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AARON BURR

PERSONAL RECOLLECTIONS OF AARON
BURR, AND SOME OF HIS COTEMPORARIES
OF THE NEW YORK BAR.

A paper read by JOHN GREENWOOD, at Brooklyn, N. Y., Sept.
24, 1863, before the L. I. Historical Society.

I HAVE thought that some recollections of Aaron Burr, and some of the most prominent members of the Bar of the City of New York of his time, might be interesting; and that even a hasty sketch, which is all that I can promise, prepared as it has necessarily been amidst other occupations, might not only be amusing for the hour, but be, perhaps, the means of transmitting at least to a few of those who are to come after us, some of the peculiar traits and characteristics of these distinguished men. Their memory is fast fading away; and now, if ever, what can be recollected by those who saw and heard them should be written down and preserved. As to the first, Col. Burr, I enjoyed peculiar advantages of knowledge, having been for a period of about six years, namely, from about 1814 to 1820, a clerk and student in his office and in constant intercourse with him, and this at a period of my life when the strongest impressions were likely to be made upon me. As to the others, I can of course give you only the result of such observations as frequent opportunities of seeing and hearing them in court in their professional characters, and occasionally at their offices or in other places, afforded me the means of making; but they will be such,

I think, as will give you some distinct idea of them, if they should not be sufficient to reproduce them before you.

The public life and character of Col. Burr are well known, for they have already become matter of history; but his personal habits and peculiarities are not so well understood, and it is these which I desire more particularly to bring before you. Indeed it is from these sources that more may be learned of a man's real character than from any other.

What then can I say of this remarkable man—for such he truly was—who though small in person filled so great a space—who once moved familiarly before the world, and yet seems to us now so like a mystery!

There is a very old maxim with which we are all conversant, *de mortuis nil nisi bonum*. I admit that it is more to be commended for its charity (blessed virtue it is) than to be regarded by the truthful historian or biographer. But it may be safely said that it has been quite sufficiently departed from in the case of Col. Burr.

The dark side of Col. Burr's character has been very often presented, and it is unnecessary that I should make another exhibition of it. It gives me pleasure to be able to bring into the light features upon which it is more agreeable to dwell, and some of which, indeed, may be contemplated with advantage.

Let me first speak of his *temperance* in eating and drinking. It would be natural to suppose that a man somewhat unrestricted, as it must be admitted he was, in one respect which may be regarded as in some degree correlative, would not be very much restrained in the indulgences of the table. But the fact is otherwise. His diet was very light. A cup of coffee and a roll, with but seldom the addition of an egg, and never of meat or fish, constituted his breakfast. His dinner, in a majority of cases, consisted of roasted potatoes seasoned with a little salt and butter, or perhaps of some thickened milk (called sometimes "*bonny clabber*") sweetened with sugar. A cup of black tea with a slice of bread and butter was the last meal; and these constituted, as the general rule, his whole sustenance

for twenty-four hours. The exception was when some friend was invited by him to dinner. He was very fond, when seated at table, of having his favorite cat near him, and it was a pleasant thing to see puss sit on the arm of his chair and keep him company. As to spirituous liquors I have no hesitation in saying, from personal knowledge, that he never used them. His usual beverage was claret and water sweetened with loaf sugar. His wine he bought by the cask, and had bottled at his residence. The result of his abstemious course of living was that he enjoyed uniform good health, which was seldom if ever interrupted.

His *industry* was of the most remarkable character. Indeed it may with truth be said that he was never idle. He was always employed in some way, and what is more, required every one under him to be so. Sometimes in coming through the office and observing that I was not at work, as I might not have been for the moment, he would say, "Master John, can't you find something to do?" although it is safe to say that no clerk in an office was ever more constantly worked than I was. He would rise at an early hour in the morning, devote himself to business all day—for he had a large general practice—and usually retired to rest not sooner than twelve or half-past twelve at night. In this way he would accomplish a vast amount of work. His perseverance and indefatigability, too, were strikingly characteristic. No plan or purpose once formed was abandoned, and no amount of labor ever seemed to discourage him or cause him to desist. To begin a thing was, with him, to finish it. How widely in this respect he differed from some professional men of his own and the present day I need hardly say. I could recur to some greatly his juniors in years who were and are his very opposites in this respect. He was for having a thing done, too, as soon as it could be, and not, as some have erroneously supposed, for seeing how long it could be put off before it was begun.

But I must say a word of his *manner in court*. He seemed, in the street and everywhere in public, to be strongly conscious that he was a mark for observation—not

indeed in the sense in which Hamlet is spoken of as "the observed of all observers," but as an object, to some of curiosity, to others of hostile or suspicious regard. Carrying this feeling into a courtroom his manner was somewhat reserved, though never submissive, and he used no unnecessary words. He would present at once the main point of his case, and as his preparation was thorough, would usually be successful. But he was not eloquent. If he thought his dignity assailed in any manner, even inferentially, his rebuke was withering in the cutting sarcasm of its few words, and the lightning glance of his terrible eyes which few could withstand. I may say in this connexion that his self-possession, under the most trying circumstances, was wonderful, and that he probably never knew what it was to fear a human being.

If there was anything which Burr's proud spirit *supremely despised* it was a *mean, prying curiosity*. He early inculcated on me the lesson, never to read even an opened letter addressed to another which might be lying in my way, and never to look over another who was writing a letter. It was one of my duties to copy his letters, and I shall never forget the indignant and withering look which, on one occasion, he gave to a person in the office who endeavored to see what I was copying. Neither would he tolerate any impertinent staring or gazing at him as if to spy out his secret thoughts and reflections.

"Too close inquiry, his stern glance would quell—
There breathed but few whose aspect might defy
The full encounter of his searching eye.
He had the skill when cunning's gaze would seek
To probe his heart and watch his changing cheek,
At once the observer's purpose to espy,
And on himself roll back his scrutiny."

You will be glad to hear me say something of his very *fascinating powers in conversation*. It may seem strange, if not incredible, that a man who had passed through such vicissitudes as he had, and who must have had such a crowd of early and pressing memories on his mind, should be able to preserve a uniform serenity and even cheerfulness; but such is the fact.

His manners were courtly and his carriage graceful, and he had a winning smile in moments of pleasant intercourse which seemed almost to charm you. He would laugh too, sometimes, as if his heart was bubbling with joy, and its effect was irresistible. Nobody could tell a story or an anecdote better than he could, and nobody enjoyed it better than he did himself. His maxim was *suaviter in modo, fortiter in re*. Yet where spirit and a determined manner were required, probably no man ever showed them more effectively. Although comparatively small in person and light in frame, I have seen him rebuke and put to silence men of position in society greatly his superiors in physical strength, who were wanting in respect in their language towards him.

Col. Burr was a *social man*; that is, he liked the company of a friend, and would spend a half hour with him in conversation most agreeably. Occasionally one with whom he had been on intimate terms, and who had shared his adventures, like Samuel Swartwout or William Hosack, would call and have a pleasant time. Dr. W. J. McNevin was also intimate with him. He was very fond of *young company*. Children were delighted with him. He not only took an interest in their sports, but conciliated them and attached them to him by presents. The latter, I may observe, was also one of his modes of pleasing the more mature of the gentler sex.

He was very fond of alluding to events in his military life. Indeed I think that he chiefly prided himself upon his military character. His counsel was much sought by foreigners engaged in revolutionary enterprises, who happened to be in New York; and during the period of the revolution in Caraccas, Generals Carrera and Ribas, who took part in it, and during its existence visited New York, were on very intimate terms with him. The former was a gentleman of great talent but of modest and retired bearing.

There are some who suppose that Col. Burr had no virtues. This is a mistake. He was true in his friendships, and would go any length to serve a friend; and he

had also the strongest affections. I shall never forget the incidents concerning the loss of his daughter Theodosia, then wife of Gov. Alston of South Carolina. Soon after Col. Burr's return from Europe to New York he arranged for her to come on and visit him, and she set out, as is known, from Georgetown in a small schooner called the Patriot. Timothy Green, a retired lawyer in New York, a most worthy man and an old friend of Col. Burr, went on by land to accompany her. The fact of the departure of the vessel with his daughter and Mr. Green on board was communicated by letter from Gov. Alston to Col. Burr, and he looked forward with anticipations of joy to the meeting which, after so many years of separation, was to take place between himself and his dear child. A full time for the arrival of the vessel at New York elapsed, but she did not come. As day after day passed and still nothing was seen or heard of the vessel or of his daughter, that face, which had before shown no gloom or sadness, began to exhibit the sign of deep and deeper concern. Every means was resorted to to obtain information, but no tidings were ever heard of that vessel or of her upon whom all the affections of his nature had been bestowed. "Hope deferred" did in this case, indeed, make sick and nearly crush the heart. His symbol, which he loved occasionally to stamp upon the seal of a letter, was a rock in the tempest-tossed ocean which neither wind nor wave could move. But his firm and manly nature, which no danger or reverse nor any of the previous circumstances of life had been able to shake, was near giving way. It was interesting though painful to witness his struggle; but he did rise superior to his grief, and the light once more shone upon his countenance. But it was ever afterwards a subdued light. There was a story afterwards that the vessel had been seized by the crew and the passengers killed with the view of converting her into a pirate; but this story has never been traced to any reliable source, although a publication was made at one time that a confession to this effect had been made by some dying sailor.

Something will be expected to be said by me with regard to his duel with Gen. Hamilton. So much has been written on this subject already that I can add nothing to the history of the transaction. Every one will form an opinion for himself as to who was to blame in that unfortunate affair. I will say, however, that it was a matter to which Col. Burr, from delicacy, never referred. He was no boaster and no calumniator, and certainly he would have had no word of censure for his dead antagonist. I will relate, however, an anecdote told me by him indicating the degree of hostility felt towards him by some after that transaction, and at the same time his own intrepidity, although to the latter he seemed not to attach the slightest importance. He was travelling in the interior of this state, and had reached a country tavern where he was to stay for the night. He was seated at a table in his room engaged in writing, when the landlord came up and announced that two young men were below and wished to see him, and added that their manner seemed rather singular. He had heard that two very enthusiastic young gentlemen were on his track, and he was not therefore surprised at the announcement. Taking out his pistols and laying them before him he told the landlord to show them up. They came up, and as one was about to advance into his room, Burr told him not to approach a foot nearer. Then addressing them he said, "What is your business?" The foremost said, "Are you Col. Burr?" "Yes," said the Colonel. "Well," says the young man, "we have come to take your life, and mean to have it before we go away." Upon this, Burr, laying his hand upon one of his pistols, replied, "You are brave fellows, are you not, to come here two of you against one man? Now if either of you has any courage, come out with me and choose your own distance and I'll give you a chance to make fame. But if you don't accept this proposal," bringing the severest glance of his terrible eyes to bear upon them, "I'll take the life of the first one of you that raises his arm." They were both cowed, and walked off like puppies.

It may not perhaps be out of place to relate here another incident illustrating Col. Burr's remarkable presence of mind, which occurred while he was in Paris. He had received a remittance of a considerable sum of money, and his valet formed a plan to rob him of it by coming upon him unawares with a loaded pistol. Burr was engaged in reading or writing in his room at a late hour at night when the fellow entered with pistol in hand. Burr recognised him in a moment, and turning suddenly round, said to him sternly, "How dare you come into the room with your hat on?" The valet, struck by a sudden awe and the consciousness of having violated that decorum which had from habit become virtually part of his nature, raised his arm to take off his hat, when Burr rushed upon him, tripped him down, wrested his pistol from him, and calling for aid, had him secured and carried off.

Col. Burr, as is well known, was what is termed a *good shot* with a pistol. To illustrate his skill in this respect I will relate a circumstance told me by an old colored man named "Harry," who was in the habit, while I was with Col. Burr, of coming to his house to clean his boots and do little jobs. "Harry" had lived many years with the Colonel while the latter's residence was at Richmond Hill in the upper part of New York. The Colonel often had dinner parties, and after dinner the gentlemen would go out upon the back piazza to enjoy the air, and would amuse themselves by firing with a pistol at apples which "Harry" would throw up for them. Said "Harry," laughing in the way peculiar to an old African, "De Colonel would hit 'em almos ev'ry time while d'oder gentleman couldn't hit 'em at all."

The charge against Col. Burr of *treason* has formed a prominent part of his history. All the facts developed on the trial have been long since published, and it will not, of course, be expected that I should refer to them. I will say, however, that this was a subject upon which he was always disposed, whenever proper, to converse with those who were intimate with him. I myself have conversed with him upon it. He

said he had been entirely misunderstood and misrepresented as to the object which he had in view. He had never, he stated, any design hostile to the United States or any part of it. His object was, as he said, to make himself master of Mexico and place himself at the head of it, and if they had let him alone he would have done it. He seemed to entertain a great contempt for Gen. Wilkinson, who was in command at the South at the time, considering him a very weak man.

Col. Burr, like other great men, had some remarkable *eccentricities of character*. He was very fond of all sorts of inventions, and always trying experiments. He puzzled his brains for a long time to get some motive power which would avoid the necessity of using fire or steam, of which Livingston and Fulton then held the monopoly. He had models made, and I also got my ambition excited about it. But his efforts and my own philosophical powers and chemical knowledge fell short, after a hard trial, of accomplishing the object. One great end which he desired to attain in housekeeping was to *save fuel*—not money; and I have known him to go to an expense, I should judge, of forty or fifty dollars in contrivances to save five dollars in the value of wood consumed. When Quincy's soap-stone stoves were introduced his experiments were almost interminable.

He was very liberal and even reckless in spending money for certain purposes, while in others, such as bills of mechanics, he was very particular and scrutinizing. He liked to have a bill looked over very carefully, and reduced to as low an amount as the case would admit of, but, so far as I know, never practised any dishonesty or refused to pay any just debt which he had incurred. A Scotch carpenter, by the name of Andrew Wright, who did a great deal of jobbing carpenter's work for him, and whose bills it was amongst my duties to examine, finding the course pursued in relation to them, took it very good-naturedly, but adopted an ingenious expedient to secure a fair amount at least. He would make a gross charge for the job and then add the items in detail, carrying out also charges

for them. I will not say the amount was intended to be duplicated, but after the ordeal through which the bill passed, he got, probably, what was fairly due.

I stated in a former part of this paper that Col. Burr was very temperate in eating and drinking. Whilst that is true, it is not true that he was so in respect to *smoking*. He was an inveterate and constant smoker. He even had cigars of an extra length manufactured to enable him the better to enjoy the tobacco, and at the same time to avoid the necessity of lighting fresh cigars after others had been consumed. It was and is now to me incomprehensible how a man of his slender make could stand such a constant excitement of his nervous system and draw upon his secretory organs (for he was not a dry smoker) without being seriously injured by it. But I never noticed that they produced any deleterious effect. His constitution had no doubt been hardened by the exposures and discipline of his early military life, and this may be the explanation. What will you say when I tell you that in addition to this he took snuff?

He knew a good deal about horses, and could get more service out of one without injuring him than any man I ever knew. He took journeys often in a horse and gig, and I usually accompanied him. He would hire at a livery stable, and with a common horse would travel seven miles an hour all the day through, and would carry this rate sometimes through the second and sometimes the third day. His mode was to keep the horse up to that gait, but never to exceed it. He never attempted to pass a countryman in a wagon without asking his permission, and in this way he avoided all annoyances from dust in little races which might otherwise have taken place.

I have forborne thus far to refer to a matter connected with the character of Col. Burr and identified almost with his name, and although not within the plan with which I started in this notice, I ought not perhaps to omit it. I allude, of course, to his *gallantries*. This is a topic upon which it would be impossible to speak with any particularity without transcending that

limit of propriety within which all public discussions should be confined. I shall, therefore, speak of it in the most general terms. I do not believe that Col. Burr was any worse in this respect than many men of his own and of the present day who pass for better men. The difference between them is that he was much less disguised, and that he did not pretend to be what he was not. I think he was quite as much sought after by the other sex as he was a seeker. There seemed indeed to be a charm and fascination about him which continued even to a late period of his life, and which was too powerful for the frail and sometimes even for the strong to resist. I know that he has been accused of much wrong in that respect, and it may be with truth. I feel no disposition to justify him in his course, or even to palliate what must be regarded in the best aspect as a vice. But I have heard him say, and if it be true it is certainly much in his favor, that he never deceived or made a false promise to a woman in his life. This is much more than many can say who have a much better name than he has. His married life with Mrs. Prevost (who had died before I went into his office) was of the most affectionate character, and his fidelity never questioned. There is another thing, too, which I will add to his credit. He was always a gentleman in his language and deportment. Nothing of a low, ribald, indecent, or even indelicate character ever escaped his lips. He had no disposition to corrupt others. One other thing I will add in this connexion. Col. Burr, in every thing relating to business, and indeed in all his epistolary correspondence with men, had a special regard for the maxim that, "things written remain," and was very careful as to what he wrote. But with regard to the other sex, such was his confidence in them that he wrote to them with very little restraint.

Some will perhaps like to know what were his *religious sentiments*. I do not think he was a believer in the Bible as containing a Divinely revealed religion, nor in the superhuman nature of Christ and what are deemed the main points of the scheme of salvation through Christ. He was, how-

ever, very reticent in these respects, and may have been, as many are, more of a skeptic than a disbeliever. He went to church occasionally to hear some remarkable preacher, and always behaved reverently.

I must point you to one admirable and strong characteristic in him. He sought with young men in whom he felt an interest to graft them as it were with his indomitable will, energy, and perseverance. I can truly say, that although I was often overtaken beyond my powers and even to the injury, no doubt, of my health, so that his course seemed to me to be over-exacting and oppressive, yet that he constantly incited me to progress in all the various modes and departments of mental culture, even in music, the influence of which he deemed of great importance, although he had but little taste for and no knowledge of it himself; and that my success in life, so far as I have succeeded, has been owing to the habits of industry and perseverance which were formed under his training.

Col. Burr was rather under the medium height, but well proportioned, of light but sinewy frame, and of great powers of endurance both of body and mind. His gait was measured, and rather that of the soldier than the civilian. But he moved along so quietly that his pace, to some, might seem almost stealthy.

As to the *character of his mind* it would be probably presumptuous in me to attempt to analyse it. If I should express an opinion it would be that it was not large, comprehensive, and philosophical, but rather quick, penetrating, and discerning. He was a shrewd planner, and indefatigable and persevering in carrying out his plans, although he did not always succeed in accomplishing them. He was a good scholar, acquainted with polite literature, and spoke the French and Spanish—the former fluently. I think his heart was not in the profession of the law, but that he followed it principally for its gains. He was, however, a good lawyer, was versed in the common, civil, and international law; acquainted generally with the reports of adjudicated cases, and in preparing important

cases usually traced up the law to its ancient sources. But political and military life seemed to interest him more than any thing else, although he never neglected his business. He prided himself probably more upon his military qualities than upon any other. If he could have gratified his ambition by becoming King or Emperor of Mexico he would no doubt have been in his glory. But this was not to be. For years after I was in his office he continued the practice of the law, but with his advancing years his business gradually dropped off, although the fruits of the well-known Eden suits left him still a small fund. His alliance or rather *mésalliance* with Madame Jumel, and their divorce on her complaint, were among the later and more unfortunate events of his life. He was reduced gradually to obscurity and poverty, and died, as is known, on Staten Island with scarcely a friend at his side.

Thus terminated the career of one who had played so prominent a part on the great stage of public life in the days of Washington, Jefferson, and Hamilton.

The lesson which may be learned from his life and its termination is, that however distinguished a man may otherwise be, if he lacks those virtues which are recognised as being essential to the well-being of society, and sets at defiance the opinions and sentiments of the community concerning them, he can never permanently succeed. Such a course reacts upon its author, and there is an even-handed justice that commends the ingredients of the poisoned chalice to his own lips. He could have outlived the effect of the duel with Hamilton, and even the influence of his arrest and trial for treason, if his private character had been such as to secure the public respect and esteem. But unfortunately it was not. Yet it becomes our duty to judge our fellow-men charitably. Few of us can afford to do otherwise. We cannot tell what strong circumstances may have bent and permanently inclined his early disposition and principles, and it is not for us too harshly to condemn him. We should rather strive to think of him kindly when we contemplate his remarkable character and

career, learn all the valuable lessons we can from his good qualities, and mitigate, as far as we can, his bad ones.

We shall breathe now a little more freely, as we pass from the portrait which we have been for some time contemplating, to another; and that is of CALEB S. RIGGS, a gentleman who, in his day, was known principally as a great chancery lawyer.

Mr. Riggs kept his office in Pine street, New York, and was a remarkable man. He was well versed in equity-law and practice, and had probably the largest Chancery business of any lawyer at the New York bar. That was his particular department and specialty. Those were the days of huge bundles of papers and large bills of costs, when proceedings were paid for by the folio, and when a short story was usually spun out into a very long one. A bill in Chancery was a curiosity to a person who had never seen one, and the unlucky defendant found himself charged with a hundred things, and with making a hundred pretences to justify himself which he never dreamed of. The complainant was called in the bill "*The Orator*," and he was a very prolix one. After a cause was ripe for hearing on the pleadings and proofs, the latter of which were taken and reduced to writing in an examiner's office, it came on for argument before the Chancellor. At the time to which I refer, the celebrated and distinguished James Kent, father of the late Judge William Kent, was Chancellor. Mr. Riggs, of course, always had a pretty large share of the business to be done in court. He was very patient and thorough in his examination and preparation of a cause, and seldom failed of success where he ought to have succeeded. He was not an eloquent or very interesting speaker, but he was pertinacious in the extreme. His personal appearance was unique. I trust I shall not be considered as evincing any disrespect for his memory, for he was certainly an able man, when I state that his face was somewhat spare and sallow, and that the muscles of his countenance had a sort of smiling rigidity of expression which never varied during the whole course of an argument. When he

got going he moved along with a measured pace, and there was no stopping him. He was never discouraged by intimations from the court, however adverse. It was amusing, and indeed irresistibly ludicrous to an observer, to witness the scenes which would sometimes take place between him and the Chancellor. Mr. Riggs would often, in addressing the Court, take up a pen and hold it out horizontally before him, and one of his favorite expressions was "now I undertake to say." I recollect particularly one occasion when the Chancellor, who was a good-natured man, but had a limit to his patience, had heard Mr. Riggs through a long argument and was satisfied that he was wrong, and that the ground taken by him was untenable. He expressed this opinion to him in his off-hand way, and so decidedly, that it was plain he didn't wish to hear anything more. But Mr. Riggs was not to be thus put down. The Chancellor was seated in his chair in the courtroom in the City Hall, New York, with a window on one side looking towards Chatham street and a window on the other side looking towards Broadway. After the Chancellor had expressed his views, as just mentioned, Mr. Riggs began, "Now, if your Honor please" (balancing forward his pen), "I undertake to say"—"I don't care what you undertake to say, Mr. Riggs," says the Chancellor, "my mind's made up"—"But if your Honor would only hear—" "I have heard you fully, Mr. Riggs, and don't want to hear anything more." "But if your Honor please, there are some considerations which I think I could adduce which would"—with this the Chancellor waxed impatient, turned suddenly and looked out towards Chatham street, saying, "Talk away, but there's no use in it, my mind's made up." "Now if your Honor please," rejoined Mr. Riggs, "I think I may safely undertake to say—" Upon this the Chancellor twisted himself about and looked out towards Broadway, saying, "Talk away—talk away—talk all day, but it's of no use." In a moment or two the Chancellor shifted towards Chatham street, and then again towards Broadway, pretending not to hear, till at length

Mr. Riggs, without manifesting the least disturbance of mind, but finding it useless to continue longer, reluctantly, yet quietly and pleasantly, took his seat. This was, however, no sure indication that the case would be decided against him; for Mr. Riggs knew well, as everybody did, that if upon further reflection and further examination the Chancellor should be satisfied he was wrong, he would recede from what might have been a too hasty opinion.

Mr. Riggs occupied the highest position in social life, and was much esteemed for his amenity and private virtues.

I will next attempt to give you a glimpse of THOMAS ADDIS EMMETT. Mr. Emmett, as is well known, was one of the patriot exiles of Ireland, who came over to this country with Dr. McNevin, Mr. Sampson, and others. Though not so illustrious perhaps, in one sense, as his martyr-brother of that country, yet he was a man of the highest order of intellect and of the most noble qualities of character. As a lawyer he had no superior at the New York bar. He was both learned and eloquent, and shone with equal brilliancy before a jury and before the bench. His style of speaking was fervid and impassioned, and although he had a slight national accent and by no means an attractive face, yet so agreeable was his voice and so fluent and graceful his diction, that he constrained the attention and secured the admiration of his hearers. During an argument he would often get his left arm behind him, and if, as was sometimes the case, a quill pen (the only kind then in use) was in his hand, it would soon be ground up and fall in powder to the floor. Yet he never was over-excited, and at the close of an address relapsed at once into a state of serenity. He could bear an adverse decision most philosophically and tranquilly. I have seen him when his whole soul appeared to be engaged in an arduous effort, and when all his powers of mind and body were thrown into the highest state of excitement, and when he seemed sure of success, disappointed by an adverse result; yet he would take it with but the slightest if any evidence of disturbance. This struck me at

the time, as it does still, as a very rare quality. He was a man of a high sense of honor, and was never known to do, and was indeed incapable of doing, any thing that was mean, unworthy, or ungentlemanly. The principal points of some of his best legal arguments are to be found in the volumes of the law-reports of this State, but they can, of course, give no idea of his style. Mr. Emmett was of the full ordinary height, rather stont in person, with a fine head which was somewhat bald, was near-sighted, and used a single eye-glass, which was suspended in front. His honorable character and a respectable share of his talent descended to his sons Robert and Thomas Addis Emmett, the former of whom is still living in New York.

These are, of course, the merest sketches, or rather outlines—my whole object being to give you, as briefly as I can, a conception of the general and striking characteristics of the men of whom I speak.

I will next endeavor to give you some idea of another celebrated lawyer—WILLIAM SLOSSON. He kept his office for many years at the north-west corner of Nassau and Cedar streets. He was a slender man physically, of very little force of manner, but one of the most sensible and clear-minded men and best reasoners of his day. As a mere lawyer he certainly had no superior, and I think it is not too much to say that he may be justly considered as having been the most eminent man at the New York bar at the time of which I speak. No one was listened to with more respect by the judges or the bar, although his voice was somewhat feeble, and consequently not as effective as it would otherwise have been. He had a very extensive practice, both in the common-law courts and in chancery, and the wonder is now to me that with so slight a frame and delicate a constitution as he seemed to have, he was able to do justice to it. One of his most celebrated cases was one in which Col. Burr was opposed to him—the case of *Norton vs. Hallett*. It grew out of a capture of a vessel made by a little French privateer called the "*Marengo*." The capture was no doubt illegal, and Mr. Slosson

brought an action of *trover* in the Supreme Court to recover the value of the vessel and cargo. Burr, instead of attempting to maintain the legality of the capture, took mainly the ground that the Common-Law Courts had no jurisdiction when a vessel was taken as a prize-of-war, but that it was a case for the Admiralty Courts. The contest was long, and much learning was displayed on both sides, but Slosson succeeded. His success, however, was but temporary. The perseverance of Burr induced him to take the decision of the Supreme Court to the Court of Errors, where the judgment was unanimously reversed on the ground taken by Col. Burr. In this case at least Burr showed himself to be the better lawyer of the two. It was seldom, however, that Mr. Slosson failed in eventually establishing his opinions on legal subjects to be correct; and with regard to the case in question my impression is that no other available course was left open to Mr. Slosson at the time than the one he pursued.

The present Judge Slosson of New York is, I believe, a son of William Slosson.

It is with great pleasure that I next turn to present to you a hastily drawn portrait of ELISHA W. KING, another prominent member of the New York Bar in the time of which I speak. I spent some time in his office after I left that of Col. Burr. Mr. King was well known, and was indeed a favorite on Long Island, and particularly in Kings County, where he was engaged in the most important cases that were tried there; and he had a very handsome practice in New York. He was also an Alderman of the City of New York for some years at a time when it was esteemed an honor to hold that office, because who did hold it were worthy and honorable men. Personally Mr. King was of handsome exterior, and in conversation one of the most agreeable and affable of men; fond of social intercourse and capable of telling a good story; and owing to these qualities and his official influence he had hosts of friends. He was a fluent and forcible speaker, and tried a cause with admirable tact. He was on friendly and almost fa-

miliar terms with pretty much all the farmers and others who composed the jury, and was consequently always listened to with a favorable disposition on their part. He would never fail to amuse them with a good story in summing-up a case, would contrive to pass around his snuff-box among them once or twice, and unless his case was a very bad one indeed, he would generally win it. Although, as may be supposed from what I have said, Mr. King was a very genial man, yet he was also characterized by a remarkable degree of firmness and inflexibility. Those who imagined from his good-nature that his principles were as yielding as his disposition was gentle, found themselves wonderfully mistaken. His integrity was of the highest order, and his honesty of purpose was as firm as adamant. Mr. King was a very kind man, ever ready to serve a friend and to do a good act to others. He died in Brooklyn, and during his last illness received the affectionate visits of many of his friends. To those who knew and recollect him, and there are many still living who do so, it will be unnecessary for me to say that there are perhaps none to whose memory they can look back with more true esteem and regard. As an example of a professional man of unusual talent, who pursued an honorable and successful career, a faithful and able public officer, a kind husband and father, and a warm friend, few have been his equals.

After speaking of Mr. King in connexion with this county, my thoughts are naturally turned to PERER W. RADCLIFF, one of his cotemporaries, who kept his office in New York, but resided in this city. Mr. Radcliff was a remarkable as well as an excellent and able man. My friend N. F. Waring, Esq., was for several years a student in his office, and probably could give many interesting reminiscences concerning him. But I knew him many years, and was on terms of friendship and intercourse with him. When I say that he was a remarkable man, I mean in reference to his peculiar characteristics. He was a very precise man, and very methodical in what he did. He made out every night what he termed an

agenda—embracing all that he had to attend to the next day. This was on a narrow slip of paper, and as each matter received its proper share of attention it was struck off. He was a very industrious, pains-taking, and thorough man in examining the papers appertaining to a case, and in his investigations of the legal questions appertaining to them. His briefs were very full and his arguments thorough—so much so that Judge Edwards, one of our most able Circuit Judges, used to say of them that they were like a drag-net, leaving nothing behind them. Another remarkable feature in Mr. Radcliff's character was that, notwithstanding his admitted ability and industry, he seldom felt an entire confidence in the correctness of his conclusions. He could see some point of difficulty or thought he could see it. In consultations he would often evince this peculiarity, and a common form of expression with him when an answer was suggested to his difficulties was "*Quere de hoc*," tapping at the same time on his snuffbox. Mr. Radcliff was a gentleman of naturally a very warm and excitable temperament. But he was extremely kind and benevolent, and he had so disciplined himself that he never allowed himself to show anger or ill-feeling. I have seen his patience and temper so severely tried in the practice of his profession in court that his blood would become suffused and seem to be almost ready to spin through his face, and yet he would preserve his forbearance and moderation. He would be indignant, however, in denouncing fraud and wrong, and no one guilty of it could look to his gentleness to protect him from the severest condemnation. Mr. Radcliff had a very extensive practice in the courts of New York, and was engaged in some of the most important land and commercial cases. He ranked amongst the most respectable and able of the New York Bar. He was appointed, and served for several years, as First Judge of Kings County, the duties of which office he discharged with great ability and impartiality. As a private citizen no one was more universally or highly esteemed. He resided, as many will recollect, in a house on the north-west

side of Columbia street, and had a beautiful garden in the rear extending to the brow of the hill, which was filled with choice fruit trees, vines, flowers, and shrubs, in which he took great delight. By the grading of Furman street a great part of the slope of the hill which had formed the support of his grounds was cut off and his grounds gave way—his garden was ruined, and the beauty and charm of his residence destroyed. This was a severe blow to Judge Radcliff, and he never got over it. He sued the city for redress, but could not obtain it. The courts held that the city had a right to grade the street, and that his loss was *damnum absque injuria*—a damage without wrong. It was a hard case, and it seems to be hard law; but the Court of Errors affirmed the decision. The Judge's sensitive nature did not long survive this trial, and he died but a few years afterwards. There are few men upon whose memory those who knew him and who still live, will look back with more affectionate regard than upon his.

There are others whom I ought to mention, and of whom I may speak, if I should be spared to do so, at some other time. JOHN WELLS, the elegant and classic John Wells I may call him, is one of these, of whom as a man somewhat identified with Brooklyn, and holding a place at the bar second to no other lawyer of his time, it would be proper to speak at some length. But this paper is already sufficiently extended.

The men of whom I have endeavored to give you some slight idea were lawyers in the true sense of the term. They differed, no doubt, considerably from some of the lawyers of the present time, who share the professional business which is transacted in New York and elsewhere. There are several reasons why they did so. Population, commerce, and all the varieties of business have since that time very largely increased; the number of suits and the business requiring a lawyer's attention are probably twenty fold greater than they formerly were; and consequently cases must be prepared and disposed of with more rapidity than was then requisite. I trust I

shall not be considered unjust to the members of the profession of the present day if I also express the opinion that the *esprit de corps* which then characterized the profession is not now, generally speaking, equally great. I do not mean to say that there are not some shining and brilliant lights who are worthy exceptions. But of the profession taken at large, I think it will be admitted that it does not occupy so high a position as it did in the days of which I speak. It must be borne in mind also that the total relaxation which has been made in respect to the term of study and clerkship which was formerly required to entitle a young man to admission to the bar, has, in many instances, proved highly detrimental to the character of the profession, so that the general standard of attainment has become much reduced. This evil has been seen, and I am happy to believe that our judges, conforming to the wish of the profession, are disposed to require a more thorough examination as to qualification than has been adopted. Such an examination seems absolutely requisite when we consider that as the law now stands no term whatever of study or clerkship is prescribed.

The profession of the law is a noble one. Some of the most distinguished champions of civil liberty have adorned its ranks, and from those ranks some of the most eminent statesmen, both of England and America, have sprung.

In our present national struggle it has nobly responded to the country's call, and among others the names of the gallant and lamented Baker, of Butler, Sickles, and Banks, have become illustrious. Indeed I am informed by one who has occupied a position which entitles his statement to confidence, that the legal profession has furnished more officers to the army than any other profession or occupation.

Let us cherish the hope, then, that it may not lose its honorable character—that a just pride and laudable ambition, founded in an appreciation and love of true greatness, may animate its members, and continue to increase until it shall take that high position to which it is entitled and should

aspire, and in which it may command the respect and admiration of society.

Old Papers May Relate to Burr

Documents Taken From Zebulon Pike One Hundred Years Ago Found in Archives of Mexico

Mail Record 2/23/08

HOW much did Zebulon M. Pike know about the Aaron Burr conspiracy? This question, first raised 100 years ago, is still unsolved to the satisfaction of the scientific historian, and now comes word from Mexico that is likely to raise the point once more, perhaps to determine it finally. It is an important point, too, for Pike is generally credited with having been a true patriot and a man of unsullied honor, a soldier who lived, fought and died for his country, while his fame as an explorer is world-wide.

The news from Mexico which is exciting the historians was perhaps entirely overlooked by the average newspaper reader. It consisted of a very brief dispatch, published two or three days ago, to the effect that there had been discovered among the Mexican archives the papers which were taken from Lieutenant Pike when he was captured near Santa Fe in 1807. These papers may reveal much as to what has always been hidden in the Burr conspiracy, or they may turn out to be nothing more than geographical notes and descriptions of the country, for which purpose alone Pike's expedition was ostensibly undertaken.

SENT BY WILKINSON.

At the time of making this expedition in New Mexico Pike was only 27 years old, a lieutenant in the United States Army. It was undertaken almost immediately upon his return to St. Louis from a somewhat similar expedition to the source of the Mississippi River. Pike went under the orders and instructions of General James Wilkinson, Commander-in-Chief of the army, and as such a traitor as Burr himself, though so much that he managed to become Commander-in-Chief again after he had been dismissed and tried for treason. Pike's official instructions were to study and map the water courses down to the southern extremities of our newly-acquired Louisiana, to maintain and cement friendly relations with the Spaniards and to take good care of one Dr. J. H. Robinson, who was going along with him as a "volunteer," the remainder of the party consisting of regular enlisted soldiers.

As soon as Pike returned to the United States after months of wandering interest in the results of his expedition was shown everywhere, and when these results were published they were sought with avidity. The jealous policy of Spain had always surrounded her Mexican possessions with such guards and restraints as to render them inaccessible and mysterious. About all that was known of the region

for America was what had come in the stories of a much earlier time, when Spanish explorers were marching through the country, evading it and robbing it of as much as they could carry of its fabulous wealth in gold and other precious merchandise. It was a fairyland lying at our very doors, peopled with a civilization which had developed its riches, yet unknown to us, an inspiration to the imagination of the explorer and a whip to the appetite of the fortune hunter.

STORY EAGERLY SOUGHT FOR

The expedition had also included a trip to that great mountain peak in Colorado, den so little known that it received Pike's name, under which it has ever since been known. With this and with the sufferings from exposure and the encounters with outlawed natives, lost and wandering companions or former abortive attempts to explore, and mysterious captives held captive by the Spaniards, the account of this trip was one to catch the fancy of every sort of reader.

The first edition of Pike's journal was published in this city by C. & A. Conrad within a year of his return, and, edited by Pike himself, was so hurriedly thrown together as to be confusing. Soon a London edition was published, then one in French, then one in Dutch. Since then editions have appeared from time to time in this country, in response to a continuing demand. The last was published in 1855, the editor being that really scientific investigator, Elliott Cloues. It contains a history of Pike and throws much new light on the whole subject, but still leaves unanswered the question as to whether Pike was an agent of Wilkinson, unconscious or otherwise, in the matter of the Burr conspiracy. Dr. Cloues assumes that Pike was a high-minded, patriotic soldier, but after bringing rather inconclusive but always increasing evidence, finally gives it up, leaving the matter to be determined by the discovery of new documents.

THE SCIENTIST'S ROBINSON.

Wilkinson, who revealed the Burr conspiracy to the Government in order to save himself, and, perhaps, to enter into still deeper treachery, is known now to have been at one time one of Burr's conspirators and the shrewdest schemer of them all. He gave all the official instruction to Pike concerning the expedition, and in his several personal letters, unearthed by Dr. Cloues, there is nothing to indicate on its face that the young explorer was on any other business than a Government mission.

All that Pike knew of Robinson, according to his own journal, was that he had a private claim to collect for a St. Louis merchant for goods traded with the Spaniards. Pike didn't think the claim was good, or that Robinson would be successful. Cloues writes Robinson down as a spy without hesitation.

Pike and his little party made a winter camp on the Conejos River, the west fork of the Rio Grande. This was on Spanish territory, but Pike said in his journal, and subsequently to his captors, that he had supposed himself to be on the Red River. Dr. Cloues is not the first one to point out that Pike could not have supposed anything of the kind, and he infers that Pike had gone there perhaps for maps, perhaps on purpose to be captured, perhaps by previous arrangement between Wilkinson and the Spaniards. Even at that he may have had papers of which he did not know the contents or purport. Also his statement that he thought himself on the Red River and in American territory may have been to prevent friction between the two governments. He makes no such explanation, however, in his published accounts of the trip.

CAPTURE OF PIKE.

While at the Congress camp Robinson declined to leave the party and go alone to Santa Fe. Robinson at least knew exactly where he was, for he reached Santa Fe safely and without any waiting for him. At this time, Pike says in his notes: "I began to think it time to receive a visit from the Spanish or their emissaries," and accordingly, in a few days after Robinson's departure a message came to him suggesting a visit to the Spanish Government at Santa Fe, saying he would be paid for going, this invitation Pike accepted at once and then went, hiding his true purpose less than a score in miles from his home.

At Santa Fe he was introduced to some of his papers, but retained the others. He was to meet his late traveling companion, Robinson, but pretended not to know him. Very shortly Pike, his baggage and several others started with a company of the same sort of papers, which had been given to the Spanish emissaries. Chabonken, the Spanish emissary, did not send it would be necessary to read them, and he did. These were, of course, the papers just discovered.

When he was a messenger from Burr to Wilkinson at Fort Pike was very cautiously treated. He was never a captive beyond being required to leave the country under escort. He was taken to American territory at a point now within the present boundaries of Louisiana, and there "released." While in Santa Fe and en route through the Spanish territory Pike kept his eyes and ears open, as usual, and noted many interesting things. He met some of the ragged survivors of the Nolan party, who, venturing into the country about the year 1800, had never returned. He also found Father, a trader, who had fled from St. Louis years before, living a fugitive under the name of Henderson. He met, depicted in the Mexican papers while in Santa Fe that Burr was being tried for conspiracy, and makes a very brief note of it in his journal.

Pike was overjoyed when at last he reached American territory. Wilkinson wrote to him at once, telling him of the Burr affair and that he himself (Wilkinson) was accused of complicity, and adding that, therefore, "you must be cautious, extremely cautious, how you breathe a word or all that you may have to tell." Pike at once wrote a long letter in reply, making only a bare reference at the end to the negotiations against Wilkinson and changing at once into a long explanation of how he had been received and treated by the Spanish authorities.

"I am blunt," writes Pike, "the hanteur of my reception by the Spanish Government for a more particular communication. It changed afterward to an extreme politeness. Being under no restrictions previous to arriving at Santa Fe, I had secreted all my papers which I conceived it necessary to preserve, leaving only such as would sufficiently account for my presence and mission. I had caused my men to secrete my papers about their bodies, conceiving this safer than leaving them in the baggage, but in the evening, finding the ladies of Santa Fe were treating them to wine, I was apprehensive that intemperance might discover the secret."

Pike had not been back long before he became aware of gossip to the effect that he had been a private agent of message-bearer to the Spaniards in the Burr conspiracy. He at once wrote a spirited letter to General Dearborn, Secretary of War, asking for such an expression as would confute these calumnies. Dearborn replied in a vigorous letter, which seems to have required much thought and care in its preparation. It asserted the Gov-

ernment's entire confidence in the integrity and uprightness of Lieutenant Pike, but was rather scant in praise or appreciation of an expedition about which the entire country was excited, and the results of which were of acknowledged importance. The letter said that, although the expedition had "not been undertaken by order of the President," its organization and purposes were known to him and its results would be "interesting." This was when the wily Wilkinson was under

charges, which he subsequently escaped through lack of evidence, so, of course, the Government was not praiseful.

Wilkinson is known now to have been in the pay of the Spanish Government while holding the office of Commander-in-Chief of the American army. Shortly after his acquittal of complicity in the Burr conspiracy he said laughingly, when asked what Pike's secret mission to New Mexico had been, that Pike himself did not know. And that is undoubtedly the truth, seldom as Wilkinson ever told it—but the full answer to the question which he turned aside with this reply may be found in the papers just discovered in Mexico.

Pike attempted through several years to obtain extra remuneration for himself and his men for the expedition they had made. Whether his failure to do so was because of the Government's suspicion of Wilkinson's connection with the trip or merely because of a penuriousness which has frequently been manifested is not known.

Zebulon Montgomery Pike was born in Trenton, N. J., in 1779. He was the son of a Revolutionary officer, whose regiment he entered at the age of 15. He rose to the rank of Brigadier General during the war of 1812, and was killed by the explosion of a magazine just at the conclusion of the Battle of York in upper Canada, in which the Americans were victorious.

The Romance of Aaron Burr.

· Lewis.

THE ROMANCE OF AARON BURR

BY

ALFRED HENRY LEWIS

SON-IN-LAW HAMILTON



OW when young Aaron, in the throbbing metropolis of New York, finds himself a lawyer and a married man, with an office by the Bowling Green and a house in fashionable Maiden Lane,

he gives himself up to a cool survey of his surroundings. What he sees is fairly and honestly set forth by the good Doctor Bellamy after that dominie returns to Bethlehem and Madam Bellamy. The latter, like all true women, is curious, and gives the Doctor no peace until he relates his experiences.

"The city," observes the veracious Doctor, looking up from his tea and muffins, "is large; some say as large as twenty-seven thousand. I walked to every part of it, seeing all a stranger should. There is much opulence there. The rich, of whom there are many, have not only town houses, but cool country seats north of the town. Their Broad Way is a fine, noble street—very wide!—fairer than any in Boston."

"Doctor!" expostulates Madam Bellamy.

"Wife, it is fact! They have, too, a new church, which cost twenty thousand pounds. At their shipyard I saw an East Indiaman of eight hundred tons—an immense vessel! The houses are grand, being for the better part painted—even the brick houses."

"What! Paint a brick house?"—

"It is their ostentation, wife; their senseless parade of wealth. One sees the latter everywhere. I was to breakfast at General Schuyler's; it was an elaborate affair. They assured me their best people were present; Coster, Livingston, Bleecker, Beckman, Jay were some of the names. A more elegant repast I never ate—all set as it was with a profusion of massive plate. There were a silver tea pot, a silver coffee pot——"

"Solid silver?"

"Aye! The King's hall-mark was on them; I looked. And finest linen, too—white as snow! Also cups of gilt; and after the toast, plates of peaches and a muskmelon! It was more a feast than a breakfast."

"Why, it is a tale of profligacy!"

"Their manners, however," goes on the good Doctor, "do not keep pace with their splendid houses and furnishings. There is no good breeding; they have no conversation, no modesty. They talk loud, fast, and all together. It is a mere theater of din and witless babble. They ask a question; and then, before you can answer, break in with a stream of inane chatter. To be short, I met but one real gentleman——"

"Aaron!"

"Aye, wife; Aaron. I can say nothing good of his religious side; since, for all he is the grandson of the sainted Jonathan Edwards, he is no better than the heathen



JOHN JAY, MEMBER OF THE CONTINENTAL CONGRESS, FIRST CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT, GOVERNOR OF NEW YORK, 1795-1801

that rageth. But his manners!—what a polished contrast to the boorishness about him! Against that vulgar background he shines out like the sun at noon!"

Young Aaron, beginning to remember his twenty-seven years, objects to the descriptive "young." He has ever scorned it, as though it were some epithet of infamy. Now he takes open stand against it.

"I am not so young," says he, to one who mentions him as in the morning of his years; "I am not so young but that I have commanded a brigade, sir, on a field of stricken battle. My rank was that of colonel! You will oblige me by remembering the title."

In view of the gentleman's tartness, it will be as well perhaps hereafter to drop the "young"; for no one likes to give offense. Besides, our tart gentleman is married, and a father. Still, "colonel" is but a word of pewter when no war is on. "Aaron" should do better; and escape his challenge, too, that irritating "young" being dropped.

As Aaron runs his glance along the front of the town's affairs, he notes that in commerce, fashion, politics, and, one had almost said, religion, the situation is dominated of a quartette of septs. There are the Livingstons—numerous, rich. There are the Clintons, of whom Governor Clinton is chief. There are the Jays, led by the Honorable John of that ilk. Most and greatest, there are the Schuylers, in the van of which tribe

towers the sour, self-seeking, self-sufficient General Schuyler. Aaron, in the gossip of the coffee houses, hears much of General Schuyler. Also, he hears more of that austere person's son-in-law, the brilliant Alexander Hamilton.

"I shall be glad to make his acquaintance," thinks Aaron, when he is told of the latter. "I met him after the battle of Long Island, when in his pale eagerness to escape the English he had left baggage and guns behind. Yes; I shall indeed be glad to see him. That such as he can come to eminence in the town possesses its encouraging side." There is a sneer on Aaron's face, as these thoughts run in his mind; those praises of son-in-law Hamilton have vaguely angered his self-love.

Aaron's opportunity to meet, and make the young ex-artilleryman's acquaintance, is not long in coming. The Tories, whom the war stripped of their property and civil rights, are praying for relief. A meeting of the town's notables has been called; the local great ones are to come together in the Long Room of the Fraunces Tavern. Being together, they will consider how far a decent Americanism may unbend toward a Tory relief.

Aaron arrives early, for the Fraunces Long Room is his favorite lounge. The big apartment has witnessed no changes since a day when poor Peggy Moncrieffe, as the modern Ariadne, wept on her near-by Naxos, while



RUFUS KING, STATESMAN AND DIPLOMAT, ONE OF NEW YORK'S TWO SENATORS TO THE FIRST NATIONAL CONGRESS

a forgetful Theseus, in that same Long Room, tasted his wine unmoved. Aaron is at a corner table with Colonel Troup, when son-in-law Hamilton arrives.

"That is he," says Colonel Troup, for they have been talking of the gentleman.

Already nosing a rival, Aaron regards the newcomer with a curious black narrowness which has little of liking in it. Son in law Hamilton is a short, slim, dapper figure of a man, as short and slim as is Aaron himself. His hair is clubbed into an elaborate queue and profusely powdered. He wears a blue coat with bright buttons, a white vest, a forest of ruffles, black velvet smalls, white silk stockings, and conventional buckled shoes.

It is not his clothes, but his countenance to which Aaron addresses his most searching glances. The forehead is good and full, and rife of suggestion. The eyes are quick, bright, selfish, unreliable, prone to look one way while the plausible tongue talks another. As for the face generally—fresh, full, sensual, brisk—it is the face of a flatterer and a politician, the face of one who will seek his ends by nearest methods, and never mind if they be muddy. Also, there is much that is lurking and secret about the expression which recalls the slanderer and back-biter, who will be ever ready to serve himself by lies whispered in the dark.



GENERAL ALEXANDER MACOMB, TO WHOM GOVERNOR CLINTON SOLD 3,600,000 ACRES OF THE PUBLIC LANDS FOR EIGHT PENCE AN ACRE. FROM ORIGINAL PORTRAIT BY J. SULLY



ROBERT R. LIVINGSTON, A MEMBER OF THE CONSTITUTIONAL CONGRESS, MINISTER TO FRANCE, 1793-1797. HE NEGOTIATED THE LOUISIANA PURCHASE, AND WAS ASSOCIATED WITH ELLIOTON IN FURTHERING STEAMBOAT NAVIGATION.

Son-in-law Hamilton does not see Aaron and Colonel Troup, and goes straight to a group the long length of the room away. Taking a seat, he at once leads the conversation of the circle he has joined, speaking in a loud, confident tone, with the manner of one who regards his own position as impregnable, and his word decisive of whatever question is discussed.

The pompous self-consequence of son-in-law Hamilton arouses the dander of Aaron. Nor is the latter's wrath the less, when he discovers that General Schuyler's self-satisfied young relative thinks the suppliant Tories should be listened to, as folk over-harshly dealt with.

As Aaron considers son in law Hamilton, and decides unfavorably concerning that young gentleman's bumptiousness and pert forwardness, the company is rapped to order by General Schuyler himself. Lean, arrogant, supercilious, the General explains that he has been asked to preside. Being established in the chair, he announces in a rasping, dictatorial voice the liberal objects of the coming together. He submits that the Tories have been unjustly treated. It was, he says, but natural they should adhere to King George. The war being now over and King George beaten, he does not believe it the part of either a Christian or a patriot

to hold hatred against them. These same Tories are still Americans. Their names are among the highest in the city. Before the Revolution, they were one and all of a first respectability, many with pews in Trinity. Now when freedom has won its battle, he feels that the victors should let

word of the rusty old General is equal to marring or furthering the fortunes of every soul in the room.

The pause is at last broken by Aaron. Self-possessed, steady, his remarks are brief but pointed. He combats at every corner what the rusty General has been pleased to



AARON BURR

Reproduced from engraving of portrait by J. Vandyke

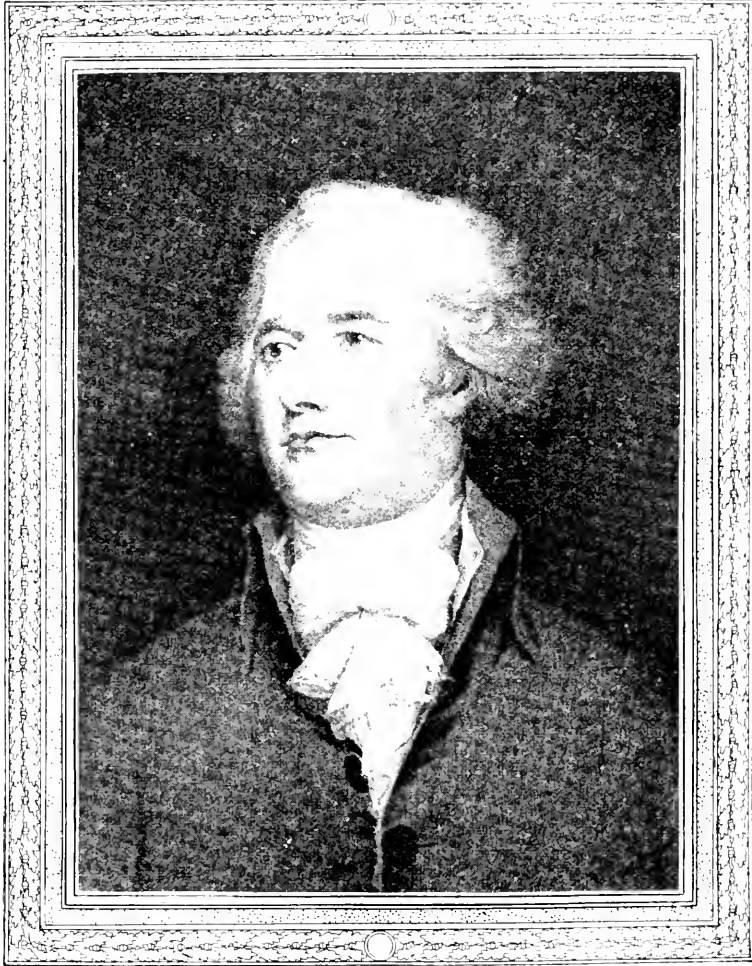
bygones be bygones, and restore the Tories, in both property and station, to a place which they occupied before that pregnant Philadelphia Fourth of July in 1776.

All this, and more to similar effect, the austere Schuyler rasps forth. When he closes, a profound silence succeeds; for there is no one who does not know the Schuyler power, or believe that the rasping

advance. The Tories were traitors. They were worse than the English. It was they who set the Indians on our borders to torch and tomahawk and scalping knife. They have been most liberally, most mercifully dealt with, when they are permitted to go unchanged. As for restoring their forfeited estates, or permitting them any civil share in a government which they did their best

to strangle in the cradle, the thought is preposterous. They may have been "respectable" as General Schuyler states; if so, the respectability was spurious a mere hypocritical cover for souls reeking of villainess. They may have had pews in Trinity. There are ones who, wanting pews in Trinity,

than son-in-law Hamilton is upon him verbally. While those approving ones are admiringly buzzing, the latter begins to talk. His tones are high and patronizing, his manner condescending. He speaks to Aaron direct, and not to the audience. He will do his best, he explains, to be tolerant, for he



ALEXANDER HAMILTON

Made from an etching by Jacques Reich

still hope to make their worldly foothold good, and save their souls at last.

As Aaron takes his seat by Colonel Troup, a murmur of guarded agreement runs through the company. Many are the looks of surprised admiration cast in his young direction. Truly, the new-comer has made a stir.

Not that his stir-making is to go unopposed. No sooner is Aaron in his chair,

has heard that Aaron is new to the town. None the less, he must ask that daring person to bear his newness more in mind. He himself, he says, cannot escape the feeling that one who is no better than a stranger, an interloper, might with a nice propriety remain silent on occasions such as this. Son-in-law Hamilton ends by declaring that the position taken by Aaron, on this subject

of Tories and what shall be their rights, is unAmerican. He, himself, has fought for the Revolution; but, now it is ended, he holds that gentlemen of honor and liberality will not be guided by the ugly clamor of partisans, who would make the unending punishment of Tories a virtue, and call it patriotism. He fears that Aaron misunderstands the sentiments of those among whom he has pitched his tent, and congratulates him on a youth that offers both an excuse for the rashness of his expressions and the hope that he may live to gain a better wisdom. Son-in-law Hamilton does himself proud, and the rusty old General arches his crest, to find himself so well defended.

The rusty General exhibits both surprise and anger, when the rebuked Aaron again

claims. I myself was a soldier, and while serving as such was so fortunate as to meet our friend. He does not remember the meeting. Nor do I blame him; for it was upon a day when he had forgotten his baggage, forgotten one of his guns, forgotten everything in truth save the English behind him; and I should be much too vain if I expected that, under such forgetful circumstances, he would remember me. As to my newness in the town, and that crippled Americanism wherewith he charges me, I have little to say. I got no one's consent to come to New York; I shall ask no one's permission to stay. Doubtless I would have been more within a fashion, had I gone with both questions to the gentleman, or to his celebrated father-in-law who presides here



GENERAL GEORGE CLINTON

Statesman and soldier; Governor of the State of New York, 1777-1795 and 1801-1804

signifies a desire to be heard. This time, Aaron, following that orator's example, talks not to the audience but to son-in-law Hamilton himself.

"Our friend," says Aaron, "reminds me that I am young in years; and I think this the more generous on his part, since I have seen quite as many years as has he himself. He calls attention to the battle-battered share he took in securing the liberties of this country; and, while I believe him better qualified to win laurels as a son-in-law than as a soldier, I concede him the credit he

to-day. These errors, however, I must abide by. Also, I shall content myself with an Americanism which, though it possess none of those sunburned, West Indian advantages so strikingly illustrated in the gentleman, may at least remember that it is two hundred years old."

Having returned upon the self-sufficient head of son-in-law Hamilton, those courtesies which the latter lavished upon him, Aaron proceeds to say again, but with more vigorous emphasis, what anti-Tory sentiments he has earlier expressed. When he ceases speaking

there is no applause, nothing save a dead stillness; for all who have heard feel that a feud has been born, a Burr-Schuyler-Hamilton feud, and are prudently inclined to await its development before pronouncing for either side. The feeling, however, would seem to follow the lead of Aaron; for a resolution, smelling of leniency toward Tories, is laid upon the table.

THAT SEAT IN THE SENATE

WHILE Aaron, frostily contemptuous, but with manners as superfine as his ruffles, is saying those knife-thrust things of son-in-law Hamilton, that young

desired. He makes no effort at retort, but stomachs in silence those words of Aaron which burn his soul like coals of fire. What is strange, too, for all their burning he vaguely finds in them some chilling touch as of death. He realizes, as much from the grim fineness of Aaron's manner as from his raw, unguarded words, that Aaron is ready to carry discussion to the cold verge of the grave.

Son-in-law Hamilton's nature lacks in that bitter drop, so present in Aaron's, which teaches folk to die but never yield. Wherefore, in his heart he now shrinks back, afraid to go forward with a situation grown perilous, albeit he himself provoked it. Saving his credit with ones who look, if they do not speak, their wonder at his mute tameness, he says he will talk with General Schuyler



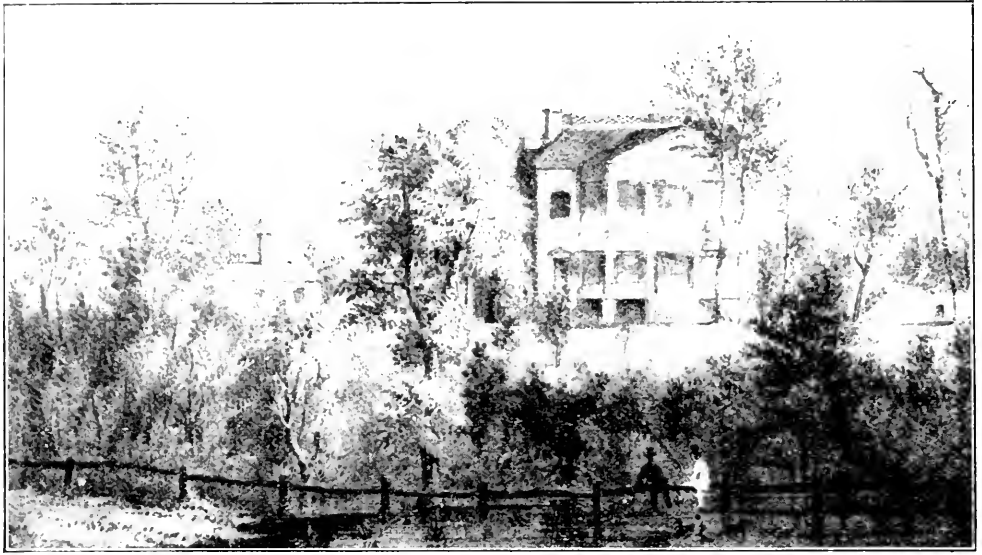
MAJOR-GENERAL PHILIP SCHUYLER

A soldier and politician, General Schuyler was one of New York's two senators to the First Congress

gentleman's face is a study in black and red. His expression is a composite of rage colored of fear. The defiance of Aaron is so full, so frank, that it seems studied. Son-in-law Hamilton is not sure of its purpose, or what intrigue it may hide. Deeply impressed as to his own importance, the thought takes hold on him that Aaron's attack is parcel of some deliberate design by folk who either hate him or envy him, or both, to lure him to the dueling ground and kill him out of the way. He draws a long breath at this, and sweats a little; for life is good and death not at all

concerning what course he shall pursue. Saying which he gets away from the Fraunces Long Room somewhat abruptly, feathers measurably subdued. Aaron lingers but a moment after son-in-law Hamilton departs, and then goes his polished, taciturn way.

The incident is a nine-days' food for gossip; wagers are made of a coming bloody encounter between Aaron and son-in-law Hamilton. Those lose who accept the sanguinary side; the two meet, but the collision is politely peaceful, even while no good friendliness but only a wider separation



RICHMOND HILL, THE HOME OF AARON BURR. IT WAS WASHINGTON'S HEADQUARTERS FOR A SHORT TIME IN 1776. BORDERING THE HUDSON, THE ESTATE COMPRISED GROUND NOW TRAVERSED BY SPRING STREET

is the upcome. The meeting is the work of son-in-law Hamilton, who is presented by Colonel Troup.

"We should know each other better, Colonel Burr," he observes.

Son-in-law Hamilton is the smiling picture of an affability that of itself is a kind of flattery. Aaron bows, while those affable rays glance from his chill exterior as from an ice field.

"Doubtless we shall," says he.

Son-in-law Hamilton gets presently down to the serious purpose of his coming. "General Schuyler," he says gravely, for he ever speaks of his father-in-law as though he were a demigod, "General Schuyler would like to meet you, and bids me ask you to come to him."

Colonel Troup is in high excitement. No such honor has been tendered one of Aaron's youth within his memory. Being wholly the courtier, he looks to see the honored one eagerly headlong to go to General Schuyler—that Jove who controls not alone the local thunderbolts but the local laurels. He is shocked to his courtier-like core, when Aaron maintains his cold reserve.

"Pardon me, sir!" says Aaron. "Say to General Schuyler that his request is impossible. I never call on gentlemen at their suggestion and on their affairs. When I have cause of my own to go to General Schuyler, I shall go. Until then, if there

be reason for our meeting, he must come to me."

"You forget General Schuyler's age!" returns son-in-law Hamilton. There is a ring of threat in the tones.

"Sir," responds Aaron, stiffly, "I forget nothing. There is an age-cant which I will not tolerate. I desire to be understood as saying, sir, and you may repeat my words to whomsoever possesses an interest, that I shall not in my own conduct consent to a social doctrine which would invest folk, because they have lived sixty years, with a franchise to patronize or, if they choose, insult gentlemen whose years, we will suppose, are less than thirty."

"I am sorry you take this view," returns son-in-law Hamilton, copying Aaron's stiffness. "You will not, I fear, find many to support you in it."

"I am not looking for support, sir," observes Aaron, pointing the remark with one of those black, ophidian stares. "Also, I do you the courtesy to assume that you intend no criticism of myself by your remark."

There is a rising inflection as though a question is put. Son-in-law Hamilton so far submits to the inflection as to explain. He intends only to say that General Schuyler's place in the community is of such high and honorable sort, as to make his request to call upon him a mark of favor. As to criticism:—Why, then, he criticized no gentleman.

There is much profound bowing, and the meeting ends, Colonel Troup, a trifle aghast, retiring with son-in-law Hamilton, whose arm he takes.

"There could be no agreement with that young man," mutters Aaron, looking after the retreating Hamilton, "save on a basis of submission to his leadership. I'll be first, or nothing."

Aaron settles himself industriously to the practise of law. In the courts, as in everything else, he is merciless. Lucid, indefatigable, convincing, he asks no quarter, gives none. His business expands; clients crowd about him; prosperity descends in a shower of gold.

Often he runs counter to son-in-law Hamilton—himself actively in the law—before judge and jury. When they are thus opposed, each is the other's match for a careful but wintry courtesy. For all his courtesy, however, Aaron seldom fails to defeat son-in-law Hamilton in whatever litigation they are about. His uninterrupted victories over that young gentleman are an added reason for the latter's jealous hatred. He and his rusty father-in-law become doubly Aaron's foes, and grasp at every chance to do him harm.

And yet, that antagonism has its compensations. It brings Aaron into favor with Governor Clinton; it finds him allies among the Livingstons. The latter powerful family invite him into their politics. He thanks them, but declines. He is for the law; hungry to make money, he sees no profit but only loss in politics.

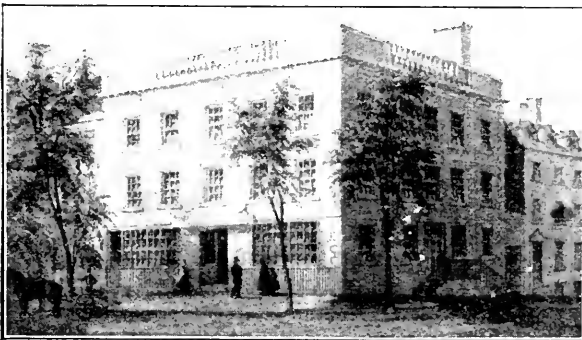
In his gold-getting, Aaron is marvelously successful; and, as he rolls up riches, he buys land. Thus one proud day he becomes master of Richmond Hill, with its lawn

sweeping down to the Hudson—Richmond Hill, where he played slave of the quill to Washington, and suffered in his vanity from the big General's loftily abstracted pose. Master of a mansion, he fills his libraries with books and his cellars with wine. Thus he is never without good company, reading the one or sipping the other. The faded Theodosia presides over his house; and, because of her years or his lack of them, her manner toward him trenches upon the maternal.

The household is a hive of happiness. Aaron, who takes the pedagogue instinct from sire and grandsire, puts in his leisure drilling the small Prevost boys in their lessons. He will have them talking Latin and reading Greek like little priests, before he is done with them. As for baby Theodosia, she reigns the chubby queen of all their hearts; it is to her credit, not theirs, that she isn't hopelessly spoiled.

In his wine and his reading, Aaron's tastes take opposite directions. The books he likes are heavy, while his best-liked wines are light. He reads Jeremy Bentham; also he finds comfort in William Godwin and Mary Wollstonecraft. He adorns his study with a portrait of the latter lady; which feat in decoration furnishes the prudish a pang.

These book-radicalisms and his weaknesses for alarming doctrines, social and political, do not help Aaron's standing with respectable hypocrites, of whom there are vast numbers, and who for its fashion and commerce and politics give the town a tone. These whitened sepulchers of society purse discreet yet condemnatory lips when Aaron's name is mentioned, and speak of him as favoring "Benthamism" and "Godwinism." Our dullard pharisee folk know no more of "Bentham-



THE FIRST PRESIDENTIAL MANSION: IT WAS SITUATED AT NO. 1 CHERRY STREET, NEW YORK, AND WAS OCCUPIED BY WASHINGTON DURING THE FIRST SESSION OF THE FIRST CONGRESS

ism" or "Godwinism" in their definitions, than of plant life in the planet Mars; but their manner is the manner of ones who speak of crimes tenfold worse than murder.

Aaron pays no heed; neither does he fret over the innuendoes of those hypocritical ones. He was born full of contempt for men's opinions, and has fostered and flattered it into a kind of cold passion. Occupied with the loved ones at Richmond Hill, careless to the point of blind and deaf concerning all outside, he seeks only to win lawsuits and pile up gold. And never once does his glance rove officeward.

This anti-office coolness is all on Aaron's side. He does not pursue office; but now and again office pursues him. Twice he goes to the Legislature; next Governor Clinton asks him to become attorney-general. As attorney-general he makes one of a commission, Governor Clinton at its head, which sells five and a half million acres of the public land for \$1,030,000. The highest price received is three shillings an acre; the purchasers number six. The big sale is to Alexander Macomb, who is given a deed for three million six hundred thousand acres at eight pence an acre. The public howls over these surprising transactions in real estate. The popular anger, however, is leveled at Governor Clinton, he being a sort of Caesar. Aaron, who dwells more in the background, escapes unscathed.

While these several matters go forward, the nation adopts a constitution. Then it elects Washington, President, and sets up government-shop in New York. Aaron's part in these mighty doings is the quiet part. He does not think much of the Constitution, but accepts it; he thinks less of Washington, but accepts him, too. It is within the rim of the possible that son-in-law Hamilton, sitting in Washington's Cabinet as Secretary of the Treasury, helps the Administration to a lowest place in Aaron's esteem; for he is a priceless hater, and that feud is in no degree relaxed.

When the national Government is born, the rusty General Schuyler and Rufus King are chosen senators for New York. The rusty old General, in the little lottery which ensues, draws the short term. This in no wise weighs upon him. What difference should it make? At the close of that short term, he will be reelected for a full term of six years. To assume otherwise would be pre-

posterous, and the rusty old General feels no such short term uneasiness.

Washington has two weaknesses: he loves flattery, and is a bad judge of men. Son-in-law Hamilton, because he flatters best, sits highest in the Washington esteem. He is the right arm of the big Virginian's Administration, and is quite as confident as the rusty General Schuyler of that gentleman's reelection. Indeed, if he could be prevailed upon to answer queries so foolish, he would say that of all sure future things the reelection of the rusty General is surest. Not a cloud of doubt is seen in the skies of either.

And yet there is one who, from his place as attorney-general, is watching that Senate seat as a tiger watches its prey. Noiselessly, yet none the less powerfully, Aaron gathers himself for the spring. Both his pride and his hate are involved in what he is about. To be a senator is to wear a proudest title in the land. In this instance to be a senator means a staggering blow to that Schuyler-Hamilton tribe whose foe he is. Also, it opens a pathway to the injury of Washington. He would be even for what long-ago war-slights the big General put upon him, slights which he neither forgets nor forgives. Aaron smiles a pale, thin-lipped smile as he pictures with the eye of rancorous imagination the look which will spread across the face of Washington, when he hears of the rusty Schuyler's overthrow and him who brought that overthrow about. The smile is quick to die, however, for he who would strip his toga from the rusty Schuyler must not sit down to dreams and castle-building.

Aaron goes silently yet sedulously about his plans. In their execution he foresees that many will be hurt; the stubborn outlook does not daunt him. One cannot make omelettes without breaking eggs.

In his coming war with the rusty Schuyler, Aaron feels the need of two things: he must have an issue, and he must have allies. It is of vital importance to bring Governor Clinton to the shoulder of his ambitions. He looks that potentate over with a calculating eye, making a mental catalogue of his approachable points.

The old Governor is of Irish blood and Irish temper. His ancestors were not the quietest folk in Galway. Being of gun-powder stock, he dearly loves a foe, and will no more forget a feud than a favor. Aaron shows the old Governor that, in his own late election, the Schuyler-Hamilton

interest was slyly behind his opponent, Judge Yates, and nearly brought home victory for the latter.

"You owe General Schuyler," says Aaron, "no help at this pinch. Still less are you in debt to Hamilton. It was the latter that put Yates in the field."

"And yet," protests the old Governor—inclined to anger but not quite convinced—"and yet I saw no signs of either Schuyler or his son-in-law in the business."

"Sir, that is their duplicity. One so open as yourself would be the last to discover such intrigues. The young fox Hamilton managed the affair; in doing so, he moved only in the dark, walked in all the running water he could find."

What Aaron says is true; in the finish he gives proof to the old Governor. At that the latter's Irish blood begins to gather heat.

"It is as you tell me!" he cries at last; "I can see it now! That West Indian renegade Hamilton was the bug under the Yates chip!"

"And you must not forget, sir, that for every scheme of politics, 'Schuyler' and 'Hamilton' are interchangeable."

"You are right! When one pulls the other pushes. They are my enemies, and I shall not be less than theirs."

The Governor asks Aaron what candidate they shall pitch upon to pit against the rusty Schuyler. Aaron has thus far said nothing of himself in any toga connection, fearing the old Governor may regard his thirty-six years as lacking a proper gravity. Being asked to suggest a name, he waxes discreet. He believes, he says, that the Livingstons can be prevailed upon to come out against the rusty Schuyler, if properly approached. Such approach can be more gracefully made if no name is pitched upon.

"From your place, sir, as governor," observes the skillful Aaron, "you could not condescend to go in person to the Livingstons. My position, however, is not so high nor my years so many as yours; I need not scruple to take up the matter with them. As to a candidate, I can go to them more easily if we leave the question open. I could tell the Livingstons that you would like a suggestion from them on that point. It would flatter their vanity."

The old Governor is pleased to regard with favor the reasoning of Aaron. He remarks, too, that with him the candidate is not important. The main thought is to defeat the

rusty Schuyler, who, with son-in-law Hamilton, aforetime played the hypocrite, and pulled treacherous wires against him in the hope of compassing his defeat. He declares himself quite satisfied to let the Livingstons select what fortunate one is to be the Senate successor of the rusty Schuyler. He urges Aaron to wait on the Livingstons without delay, and discover their feelings.

Aaron confers with the Livingstons, and shows them many things. Mostly he shows them that, should he be chosen senator, it will necessitate his resignation as attorney-general. Also, he makes it appear that, if the old Governor be properly approached, he will name one Morgan Lewis to fill the vacancy thus arranged. The Livingston eye glistens; the mother of Morgan Lewis is a Livingston, and the office of attorney-general will match his fortunes nicely. Besides, there are several ways wherein an attorney-general might be of much Livingston use. No; the Livingstons do not say these things. They say instead that none is more nobly equipped for the rôle of senator than Aaron. Finally, it is the Livingstons who go back to the old Governor. Nor do they find it difficult to convince him that Aaron is the one surest of defeating the rusty Schuyler.

"Colonel Burr," say the Livingstons, "has no record, which is another way of saying that he has no enemies. We deem this most important. It will lessen the effort required to bring about him a majority of the Legislature."

The old Governor, as Aaron feared, is inclined to shy at the not-too-many years of our ambitious one. After a bit, however, Aaron, as a notion, begins to grow upon him.

"He has brains, sir," observes the old Governor, thoughtfully; "he has brains; and that is of more consequence than mere years. He has double the intelligence of Schuyler, although he may not count half his age. I call that to his credit, sir."

The chief of the clan-Livingston shares the Clinton view. Now takes place a competition in encomium. Between the chief of the clan-Livingston and the old Governor, so many excellences are ascribed to Aaron that, did he own but the half, he might think himself a model for mankind. As for Morgan Lewis, who is a Livingston, the old Governor finds in him almost as many virtues as he does in Aaron. He gives the chief of the clan-Livingston hand and word that,

when Aaron steps out of the attorney-generalship, Morgan Lewis shall step in.

Having drawn to his support the two most powerful influences of the State, Aaron makes search for an issue. He looks into the mouth of the public, and there it is. Politicians do not make issues, albeit many have sung otherwise. Indeed, issues are so much like poets that they are born, not made. Every age has its issue; and from it, as from Clay, the politicians mold the bricks wherewith they build themselves into office. The issue is ever the question which the people ask; it is ever to be found in the popular mouth. That is where Aaron looks for it, and his quest is rewarded.

The issue, so much demanded of Aaron's destinies, is one of those big-little questions which now and then arise to agitate the souls of folk and demonstrate the greatness of the small. There are twenty-eight members in the National Senate; and, since it is the first Senate and has had no predecessor, there exist no precedents for it to guide by. Also those twenty-eight senators are puffballs of vanity. On the first day of their first coming together they prove the purblind sort of their conceit by shutting their doors in the public's face. They say they will hold their sessions in secret. The public takes this action in dudgeon, and begins filing its teeth.

Puffiest among those Senate puffballs is the rusty Schuyler. As narrow as he is arrogant, and as dull as he is vain, his contempt for the herd was never a secret. As a senator

he declares himself the guardian, not the servant, of a people too weakly foolish for the safe transaction of their own affairs.

It is against this self-sufficient attitude of the rusty Schuyler touching locked Senate doors that Aaron wages war. He urges that in a republic but two keys go with government; one is to the treasury, the other to the jail. He declares that not even a senate will lock a door, unless it be either ashamed or afraid of what it is about.

"Of what is our Senate afraid?" he asks. "Of what is it ashamed? I cannot answer these questions; the people of the State cannot answer them. Under the circumstances I recommend that those who are interested ask General Schuyler."

The public puts the questions to the rusty Schuyler. Not receiving an answer, the public carries the questions to the Legislature, where the Clinton and Livingston influences come sharply to the popular back.

"Shall the Senate lock its door?"

The Clintons say, "No"; the Livingstons say, "No"; the people say, "No." Under such overbearing circumstances the Legislature feels driven to say, "No"; and as a best method of saying it elects Aaron, who is a "door-opener," over the rusty Schuyler, who is a "door-closer," by a majority of thirteen on a whole vote of forty-eight. It is now no longer "Aaron Burr," no longer "Colonel Burr"; it is "Senator Burr." The news puts ten years on the rusty Schuyler. As for son-in-law Hamilton, the blasting word of it withers and makes sick his heart.

(To be continued)

FAITH

(From Victor Hugo)

BY CURTIS HIDDEN PAGE

GOD'S bird be thou,
That trusts the frailest bough
And gaily sings,
Knowing that he hath wings.

A REMARKABLE AMERICAN

A Tragic Story of Perverted Genius

By L. K. Becker

LIEUT.-COL. AARON BURR came out of the United States army in 1779 certain of a distinguished career. Licensed to practice law in 1782, he hastened to claim the widow he had won and to set up housekeeping in Albany.



Aaron Burr

Gen. Alexander Hamilton had married also and established himself in the same city; side by side these brilliant young men of the young Nation were destined to run their race to

doom; for the ruin of Burr dates from the death of Hamilton.

Burr rose rapidly in favor; removing in '84 to the larger field of New York, though serving the state for several years as representative and attorney-general. He lived in a commodious house in Maiden Lane, a very busy man, but neglecting neither the state, his clients, nor his household.

Richmond Hill, at Varick and Charlton streets, was the home most associated with Aaron Burr. It was a handsome residence, set in a hundred acres of dale and woodland, two miles from town; a place where a gentleman might live in quiet elegance. There were picturesque views of the Jersey Shore, and the North River flowed past the foot of the garden. The house was attractive; it had an air of repose, as though the habits of a scholar pertained to it, which was true. A noble library was a distinguishing feature. Aaron Burr loved books and found solace in them all his life; scarcely a packet ship entered the

harbor for years that did not bring a consignment of books to him.

The hospitality of the Burr house was unlimited; the manners of the host were of the Chesterfield order. Distinguished guests were often entertained; statesmen, judges, bishops and, among foreigners, Talleyrand, Louis Philippe and Jerome Bonaparte.

The United States senatorship launched Burr upon a turbulent political sea, and Richmond Hill with its handsome appointments, its retinue of servants and its lavish hospitality began to bear heavily upon the income of its master, who was absent much of the time. The



The Hamilton-Burr Duel Monument,
at Weehawken

Inscription: "Upon this stone rested the head of the patriot, soldier, statesman and jurist, Alexander Hamilton, after the duel with Aaron Burr; fought July 11th, 1804."

emoluments of public office were not equal to those of professional service, and debts began to accumulate. Then came the death of Madam Burr, an irreparable loss to her husband.

In 1800 Burr was chosen vice-president, and his restless soul was fired anew. Knowing neither counsel nor restraint, he resolved that nothing should bar his way to desired victory and, later, there came a day when Alexander Hamilton represented everything that stood in his path.

Richmond Hill was never lovelier than when Col. Burr left it, early on the morning of July 11th, 1804, just a century ago, to fulfill an appointment at Weehawken; an appointment that deprived the United States of its foremost statesman, filled the American people with sorrow and indignation and blasted forever the name and fame of Aaron Burr.

A few hours later he was discovered in his library, calmly perusing a classic, though the city was plunged in grief over his morning's work.

Before the day was over, Col. Burr was a fugitive, and Richmond Hill knew him no more as a master. Before the end of his term of office he was tried for treason by our highest tribunal and, though acquitted, was branded with obloquy, from which he attempted to escape by seeking foreign lands.

But the gods were angry and would not be appeased.

For seven years Aaron Burr was a wanderer in Europe, driven from country to country, though forbidden to return to his own. When a reluctant permission was finally obtained he came

under an assumed name. Reaching Boston almost penniless he remained all night, the sole occupant of the ship that brought him. On the morrow he obtained a few dollars from the sale of some books he had with him and, setting out for New York, after a hazardous voyage, he landed at the dead of night and was glad of a humble shelter until daylight. Debts menaced the ex-vice-president, and prisons yawned, but nothing disturbed him, for his daughter, Theodosia, was en route to meet him. Alas!

The ship on which she sailed never entered port, and no tidings of her ever reached her father's ears.

Professional practice among petty offenders, for twenty years, maintained the broken old man in his fallen estate.

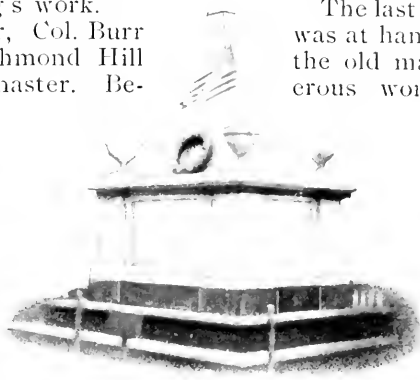
Occasionally the old fire flashed, and on one such occasion Madam Jumel was led to employ him as her solicitor. So satisfied was the lady with his services that she invited his acquaintance, which resulted in their marriage. But it was not long before a rupture occurred between the couple on account of the disappearance of certain bonds and money belonging to the lady.

The last act of the drama was at hand; paralysis laid the old man low. A generous woman, learning his condition, took him home and ministered to him as though she had been his daughter.

At the very last, notwithstanding he had abused their faith and precepts, he requested to be laid beside his parents in his native Princeton. There, consigned to the tender care of Nature, repose the



The H.-B. Dueling Pistols



Burial Place of Alexander Hamilton
in Old Trinity Churchyard

ashes of ambition, once known as Aaron Burr.

"A high born nature nobly planned
Great ends to serve and to command;
Heedless of God, despising man,
He lived but for himself alone
And ruin wrought, which as it ran
O'ertook him, who but self had known."

The Jumel Mansion still clings to the cliff overlooking its ancient manor and summons both romance and history to substantiate its claims to fame. Like the octogenarian bridegroom, the old mansion is not averse to notoriety. And, notwithstanding it has sheltered beneath its roof the beautiful and the illustrious of more than one country besides our own, one fact is never omitted in a description of the

place: "This was once the residence of Aaron Burr."

In justice it might be added:



The Famous Old Jumel Mansion

"He, too, was a soldier of the Revolution."

A JAIL AND A JAIL-BUILDER

One of the features of the California exhibit at the St. Louis Fair is the exact reproduction of the first jail erected in the state, or upon the Pacific Coast. The building is of rude design and is built of cobblestone set in adobe mud. It stands at Old Town, as Old San Diego is now called, and is in a very good state of preservation to-day, after standing more than a century and a quarter.

An interesting incident connected with the jail is the fact that its builder was the first prisoner to be confined in the institution. He was also the first—though by no means the last—to break through the walls to premature freedom.

The contractor received \$5,000 for constructing the rude affair, a sum, even in those days of high prices, seemingly entirely out of proportion to the article furnished. Upon receiving the money he proceeded to celebrate the completion of the job by getting drunk and raising an un-



usual disturbance. He was arrested, brought before the justice and was sentenced to a period of confinement in the bastille of his own constructing.

Having built the jail the prisoner knew its peculiarities, and, therefore, when the judge entered a drinking resort for a little stimulant at the close of his day's officiating, the first person he met was the jail-builder, whom he had so recently sentenced to retirement from San Diego society.

"Why, Bill, how is this?" exclaimed the astonished mag-

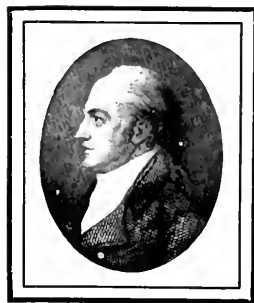
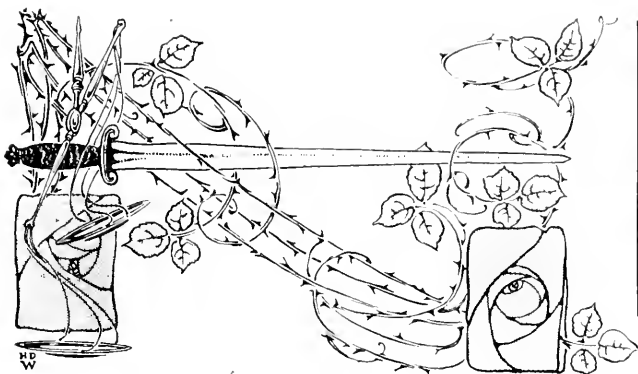
istrate. "I thought you were in jail!"

"Oh! stop your foolishness," cried Bill, "and come and have a drink."

Tradition says that the judge accepted the invitation and that Bill did not return to his cell. It is stated, however, that the jail was ordered repaired and that the escaped prisoner received an additional fee from the county for fixing the hole he had made in securing his freedom.

"Silver and gold are not the only coin; virtue too passes current all over the world."—Euripides

~~Indictment~~ of Aaron Burr
Lewis



THE INDICTMENT OF AARON BURR

(THE ROMANCE OF AARON BURR)

BY

ALFRED HENRY LEWIS



It is evening at the White House. The few dinner guests have departed, and Jefferson is alone in his study. As he stands at the open window and gazes out across the sweep of lawn to the Potomac, shining like silver in the rays of the full May moon, his face shows cloudy and angry. The face of the sage of Monticello has put aside its usual expression of philosophy. In place of the calm that should reign there, the look which prevails is one of narrowness, prejudice and wrathful passion.

Apparently he waits the coming of a visitor, for he wheels without surprise as a fashionably dressed gentleman is ushered in by a servant.

"Ah, Wirt!" he cries; "be seated, please. You got my note?"

William Wirt is thirty-five—a clean, well-bred figure of the conventional Virginia gentleman. He accepts the proffered chair, but with the manner of one only half at ease, as not altogether liking the reason of his White House presence.

"Your note, Mr. President?" he repeats. "Oh, yes, I received it. What you propose is highly flattering. And yet—and yet——"

"And yet what, sir?" breaks in Jefferson impatiently. "Surely, I propose nothing unusual? You are practicing at the Richmond bar. I ask you to conduct the case against Colonel Burr."

"Nothing unusual of course," returns Wirt, who, gifted of a keen political eye, hungrily foresees a final attorney-generalship in what he is about. "And yet, as I was about to say, there are matters which should be considered. There is George Hay, for instance; he is the Government's attorney for the Richmond district. It is his province as well as duty to prosecute Colonel Burr; he might resent my being saddled upon him. Have you thought of Mr. Hay?"

"Thought of him? Hay is a dullard, a blockhead, a respectable nonentity!—no more fit to contend with Colonel Burr and those whom he will have about him than would be a sucking babe! He is of no courage, no force, sir; he seems to think that, as the son-in-law of James Monroe, he has done quite enough to merit success in both law and politics. No; there is much depending on this trial, and I desire you to try it. Burr must be convicted. The black Federal plot to destroy this Republic and set a monarchy in its stead, a plot of which he is but a single



JOHN MARSHALL, FIRST CHIEF JUSTICE OF THE UNITED STATES, PRESIDING JUDGE IN THE BURR TRIAL

figure, must be nipped in the bud. Also, you will find that I am to be on trial as much as Colonel Burr. The case will not be 'The People against Aaron Burr,' but 'The Federalists against Thomas Jefferson.' Do you understand? I am the object of a Federal plot, as much as is the Government itself! John Marshall, that arch Federalist, will be on the bench, doing all he can for the plotters and their instrument, Colonel Burr. It is no time to risk myself on so slender a support as George Hay. It is you who must conduct this cause."

Wirt is a bit scandalized by this outburst; especially at the reckless dragging in of Chief Justice Marshall. He expostulates; but is too much the courtier to let any harshness creep into either his manner or his speech.

"You surely do not mean to say," he begins, "that the Chief Justice——"

"I mean to say," interrupts Jefferson, "that you must be ready to meet every trick that Marshall can play against the Government. For all his long robe, is he of different clay than any other? Believe me, he's a Federalist long before he's a Judge! Let me ask a question or two. Why did Marshall, the Chief Justice mind you, hold the preliminary examination of Burr? Why, having held it, did he not commit him for treason? Why did he hold him only for a misdemeanor, and

admit him to bail? Does that not look as though Marshall had taken possession of the case in Burr's interest? You spoke a moment ago of the propriety of Hay prosecuting the charge against Burr, being, as he is, the Government's attorney for that district. Does it not occur to you that his honor, Judge Griffin, is the judge for that district? And yet Marshall shoves him aside to make room on the bench for himself. Sir, there is chicanery in this. We must watch Marshall. A Chief Justice indeed! A Chief Federalist rather! Why, he so much lacked self-respect as to become a guest at a dinner given in Colonel Burr's honor, after he had committed that traitor in ten thousand dollars bail! An excellent, a dignified Chief Justice truly!—doing dinner-table honor to one whom he must presently try for a capital offence!"

"Justice Marshall's appearance at the Burr dinner"—Wirt makes the admission doubtfully—"was not, I admit, in the very flower of good taste. None the less, I should infer honesty rather than baseness from such appearance. If he contemplated any wrong in Colonel Burr's favor, he would have remained away. Coming to the case itself," continues Wirt, anxious to avoid further discussion of Judge Marshall, as a topic whereon he and Jefferson are not likely to agree, "what is the specific act of treason with which the Government charges Colonel Burr?"

"The conspiracy wherein he was prime mover aimed first to take Mexico from the Spanish. Having taken Mexico, the plotters—Colonel Burr at the head—purposed seizing New Orleans. That would give them a hold in the vast region drained by the Mississippi. Everything west of the Alleghanies was expected to flock 'round their standard. With an empire reaching from Darien to the Great Lakes, from the Pacific to the Alleghanies, their final move was to be upon Washington itself. Sir, the Federalists hate this Republic—have always hated it! What they desire is a monarchy. They want a king, not a president, in the White House."

"I learn," observes Wirt, "—I learn, since my arrival, that Colonel Burr has been in Washington."

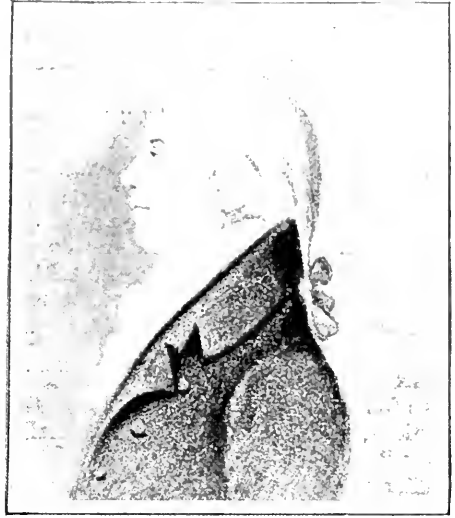
"That was three days ago. He demanded copies of my orders to General Wilkinson. When I prevented his obtaining them, he said he would move for a *subpoena duces tecum*, addressed to me personally. Think of that, sir! Can you conceive greater impudence?

He will sue out a subpoena against the President of this country, and compel him to come into court bringing the archives of Government!"

Wirt shrugs his shoulders. "And why not, sir?" he asks at last. "In the eye of the law a president is no more sacred than a path-master. A murder might be committed in the White House grounds. You, looking from that window, might chance to witness it—might, indeed, be the only witness. You, yourself, are a lawyer, Mr. President. You will not tell me that an innocent man, accused of murder, is to be denied your testimony?—that he is to hang rather than ruffle a presidential dignity? What is the difference between the case I've supposed and that against Colonel Burr? He is to be charged with treason, you say! Very well; treason is a hanging matter as much as murder."

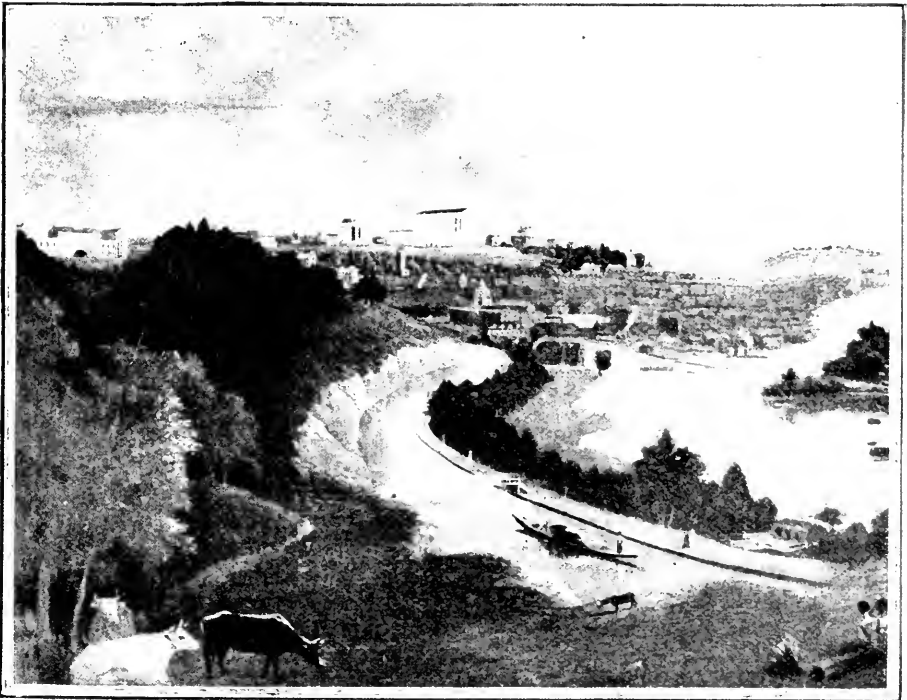
Jefferson and Wirt, step by step, go over the arrest of Aaron and what led to it. It is settled that Wirt shall lead for the prosecution. Also, when the Grand Jury is struck, he must see to it that Aaron is indicted for treason.

"Marshall has confined the inquiry," says



JOHN WICKHAM, CHIEF ASSOCIATE OF EDMUND RANDOLPH
IN DEFENCE OF BURR

Jefferson, "to what Burr contemplated against Mexico—a mere misdemeanor! You, Wirt, must have the Grand Jury take up that part of the conspiracy which was leveled



RICHMOND AS IT LOOKED AT THE TIME OF BURR'S TRIAL

against this country. There is abundant testimony. Burr talked it to Eaton in Washington, to Morgan in Ohio, to Wilkinson at Fort Massac."

"You speak of his *talking* treason," returns Wirt, with a thoughtful, non-committal air. "Did he anywhere or on any occasion *act* it? Was there any overt act of war?"

"What should you call the doings at Blennerhasset Island?—the gathering of armed men and stores?—the boat-building at Marietta and Nashville? Are not those, taken with the intention, hostile acts?—overt acts of war?"

Wirt falls into deep study. "We must," he says after a moment's silence, "leave those questions, I fear, for Justice Marshall to decide."

Jefferson relates how he has written Governor Pinckney of South Carolina advising the arrest of Alston.

"To be sure, Alston is not so bad as Colonel Burr," he observes, "for the reason that he is not so big as Colonel Burr; just as a

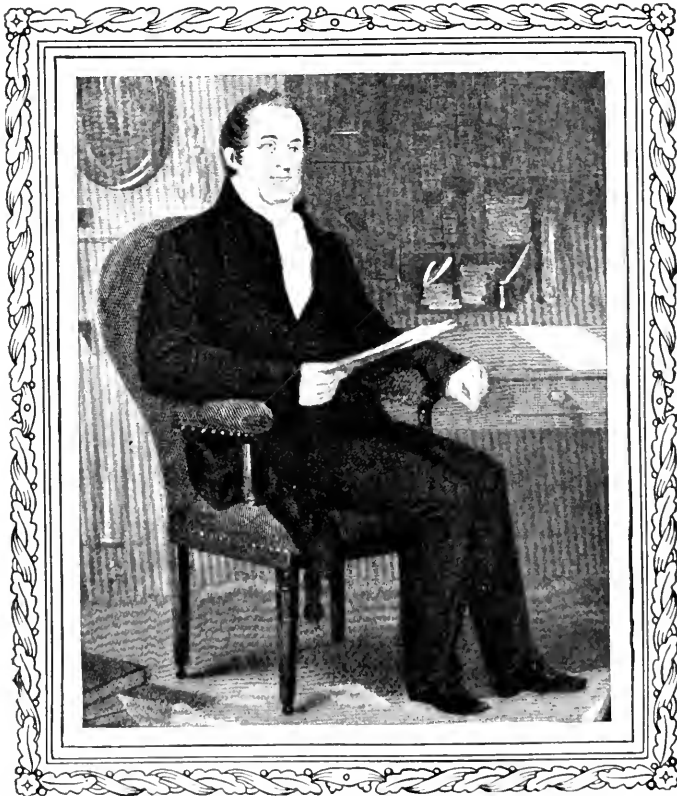
young rattlesnake is not so venomous as an old one." Then, impressively: "Wirt, Colonel Burr is a dangerous man! He will find his place in history as the Catiline of America."

Wirt cannot hide a smile: "It is but fair you should say so, Mr. President, since at the Richmond hearing he spoke of you as a presidential Jack Cade." Seeing that Jefferson does not enjoy the reference, Wirt hastens to another subject. "Colonel Burr will have formidable counsel. Aside from Wickham, and Botts, and Edmund Randolph, across from Maryland will come Luther Martin."

"Luther Martin!" cries Jefferson. "So they're to unloose that Federal bulldog against me! But then the whisky-swilling beast is never sober."

"No more safe as an adversary for that," retorts Wirt. "If I am ever called upon to write Luther Martin's epitaph, I shall make it, 'Ever drunk and ever dangerous!'"

On the bench sits Chief Justice Marshall—tall, slender, eyes as black as Aaron's own,



WILLIAM WIRT, CHIEF COUNSEL FOR THE GOVERNMENT IN THE TRIAL OF BURR

face high, dignified, brow noble, full, the whole man breathing distinction. By his side, like some small thing lost in shadow, no one noticing him, no one addressing him, a picture of silent humility, sits District Judge Griffin.

For the Government comes Wirt, sneering, harsh—as cold and hard and fine and keen as thrice tempered steel. With him is Hay—slow, pompous, of much respectability and dull weakness. Assisting Wirt and Hay, and filling a minor place, is one McRae.

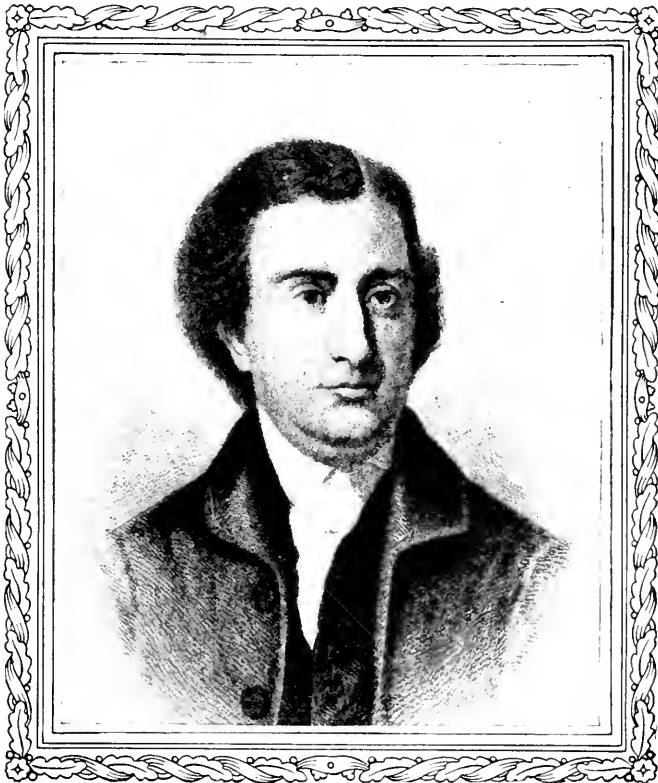
Leading for the defence is Aaron himself—confident, unshaken. Already he has begun to re-lay his plans of Mexican conquest. He assures Blennerhasset, who is with him, that the present interruption should mean no more than a time-waste of six months. With Aaron sit Edmund Randolph, the local Nestor; Wickham—clear, sure of law and fact; and Botts, the Bayard of the Richmond bar. Most formidable is Aaron's rear guard, the thunderous Luther Martin—coarse, furious, fearless—gay clothes stained and soiled

—ruffles foul and grimy—eyes fierce, bleary, bloodshot—nose bulbous, red as a carbuncle—a hoarse, roaring, threatening voice—the Thersites of the hour. Never sober, he rolls into court as drunk as a Plantagenet. Ever dangerous, he reads, hears, sees everything, and forgets nothing. Quick, rancorous, headlong as a fighting bull, he lowers his horns against Wirt whenever that polished one puts himself within forensic reach. Also, for all his cool, sneering skill, Toreador Wirt never meets the charge squarely, but steps aside from it.

Apropos of nothing, as Martin takes his place by the trial table, he roars out:

"Why is this trial ordered for Richmond? Why is it not heard in Washington? It is by command of Jefferson, sir. He thinks that in his own State of Virginia, where he is invincible and Colonel Burr a stranger, the name of Jefferson will compel a verdict of guilt. There is fairness for you!"

Wirt glances across, but makes no response to the tirade; for Martin, purple of face,



EDMUND RANDOLPH, CHIEF ASSOCIATE COUNSEL FOR BURR

snorting ferociously, seems only waiting a word from him to utter more and worse things.

The Grand Jury is chosen: foreman, John Randolph of Roanoke—sour, inimical, hateful, voice high and spiteful like the voice of a scolding woman. The Grand Jury is sent to its room to deliberate concerning indictments, while the court adjourns for the day.

It is well into the evening when the parties in interest leave the court room. As Wirt and Hay, arm in arm, are crossing the Court House green, they become aware of an orator who, loud of tone and careless of his English, is addressing a crowd from the steps of a corner grocery. Just as the two arrive within ear-shot, the orator—lean, hawk-like of face—tosses aloft a rake-handle arm, and shouts:

“When Jefferson says that Colonel Burr is a traitor, Jefferson lies in his throat!”

The crowd applaud enthusiastically. Hay looks at Wirt.

“Who is the fellow?” he asks.

“Oh! he’s a swash-buckler militia general,” returns Wirt carelessly. “He’s a low fellow, I’m told; his name is Andrew Jackson. He was one of Colonel Burr’s confederates. They say he’s the greatest blackguard in Tennessee.”

Just now, did some Elijah touch the Wirtian elbow and tell of a day to come when he, Wirt, will be driven to resign that coveted attorney-generalship into the presidential hands of the “blackguard,” who will receive it promptly, and dismiss him into private life, no more than half-thanked for what public service he has rendered, that ambitious Virginian would hold the soothsayer to be a madman, not a prophet.

Scores upon scores of witnesses are sent one by one to the Grand Jury. The days run into weeks. Every hour the question is asked: Where is Wilkinson? The red-nosed one is strangely, exasperatingly absent.

Wirt seeks to explain that absence. The journey is long, he says. He will pledge his honor for the red-nosed one’s appearance.

Meanwhile, the friends of Aaron pour in from North and West and South. The stubborn, faithful Swartwout is there, with his brother Samuel; for Samuel Swartwout and young Ogden and Adair and Bollman, shipped aforetime per schooner to Baltimore by the red-nosed one as traitors, have been declared innocent, and are all in Richmond attending upon their chief.

One morning the whisper goes about that “Wilkinson has come.” Later, the whisper is confirmed by the red-nosed one’s appearance in court. Young Washington Irving, who has come down from New York in the interest of Aaron, writes as follows concerning the advent of the red-nosed one:

Wilkinson strutted into court and took his stand in a parallel line with Colonel Burr. Here he stood for a moment swelling like a turkey-cock and bracing himself to meet Colonel Burr’s eye. The latter took no notice of him until Judge Marshall directed the clerk to “swear General Wilkinson.” At the mention of the name, Colonel Burr turned and looked him full in the face with one of his piercing regards, swept him from head to foot, and then went on conversing with his counsel as before. The whole look was over in a moment; and yet it was admirable. There was no appearance of study or constraint, no affectation of disdain or defiance; only a slight expression of contempt played across the countenance, such as one might show on seeing a person whom one considers mean and vile.

That evening Samuel Swartwout meets the red-nosed one, as the latter is strutting on the walk for the admiration of men, and thrusts him into a mud-hole. The lean Jackson is so delighted at this disposition of the red-nosed one that he clasps the warlike Swartwout in his rake-handle arms. Later, by twenty-two years, he will make him collector of the port of New York for it. Just now, however, he advises a duel, holding the mud-hole episode to be otherwise incomplete.

Since Swartwout has had the duel in his mind from the beginning, he and the lean Jackson combine in the production of a challenge, which is duly sent to the red-nosed one in the name of Swartwout. The red-nosed one has no heart for duels, and crawls from under the challenge by saying, “I refuse to hold communication with a traitor.” Thereupon Swartwout, with the lean Jackson to aid him, again lapses into the clerical, and prints the following gorgeous outburst in the *Richmond Gazette*:

BRIGADIER GENERAL WILKINSON:

SIR: When once the chain of infamy grapples to a knave, every new link creates a fresh sensation of detestation and horror. As it gradually or precipitately unfolds itself, we behold in each succeeding connection and arising from the same corrupt and contaminated source, the same base and degenerated conduct. I could not have supposed that you would have completed the catalogue of your crimes by adding to the guilt of treachery, forgery and perjury the accomplishment of cowardice. Having failed in

two different attempts to procure an interview with you, such as no gentleman of honor could refuse. I have only to pronounce and publish you to the world as a coward.

SAMUEL SWARTWOUT.

The Grand Jury comes into court, and by the shrill mouth of Foreman Randolph reports two indictments against Aaron: one for treason, "as having levied war against the United States," and one for "having levied war upon a country, to wit, Mexico, with which the United States was at peace"—the latter a misdemeanor.



DISTRICT JUDGE GRIFFIN

HOW AARON WAS FOUND INNOCENT

THE indictments are read, and Aaron pleads "Not guilty!" Thereupon Luther Martin moves for a *subpoena duces tecum* against Jefferson, commanding him to bring into court those written orders from the files of the War Department, which he, as president and *ex-officio* commander-in-chief of the army, issued to the red-nosed Wilkinson. Arguing the motion, the violent Martin proceeds in these words:

We intend to show that these orders were contrary to the Constitution and the laws. We intend to show that by these orders Colonel Burr's property and person were to be destroyed; yes, by these tyrannical orders the life and property of an innocent man were to be exposed to destruction. This is a peculiar case, sirs. President Jefferson has undertaken to pre-judge my client, by declaring that "of his guilt there can be no doubt!" He has assumed to himself the knowledge of the Supreme Being, and pretended to search the heart of my client. He has proclaimed him a traitor in the face of the country. He has let slip the dogs of war, the hell-hounds of persecution, to hunt down my client. And, now, would the President of the United States, who

has himself raised all this clamor, pretend to keep back the papers wanted for a trial where life itself is at stake? It is a sacred principle that the accused has a right to the evidence needed for his defence. And whosoever—whether he be President or some lesser man—withholds such evidence is substantially a murderer, and will be so recorded in the register of heaven.

Argument ended, Marshall, Chief Justice, sustains the motion. He holds that the *subpoena duces tecum* may issue,

and goes so far as to say that, if it be necessary to the ends of justice, the personal attendance of Jefferson himself shall be compelled.

The charge is treason, and no bail can be taken; Aaron must be locked up. The Governor of Virginia offers as a place of detention a superb suite of rooms, meant for official occupation, on the third floor of the penitentiary building. Marshall, Chief Justice, accepting such proffer, orders Aaron's confinement in the superb official suite. Aaron takes possession, stocks the larder, loads the sideboards, and, with a cloud of servitors, gives a dinner party to twenty friends.

The lustrous Theo arrives, and takes up her residence with Aaron in the official suite, as lady of the establishment. Each day a hundred visitors call, among them the aristocracy of the town. Also dinner follows dinner; the official suite assumes a gala, not to say a gallant, look, and no one would think it a prison, or dream for one urbane moment that Aaron—our follower of the gospel according to Lord Chesterfield—is fighting for his life.

Following the order for the *subpoena duces tecum*, and Aaron's dinner-giving incarceration in the official suite, Marshall, Chief Justice, directs that the court be adjourned until August—a month away.

Wirt, during the vacation, goes over to Washington. He finds Jefferson in a mood of double anger.



JOHN RANDOLPH OF ROANOKE, FOREMAN OF GRAND JURY WHICH INDICTED BURR FOR TREASON

"What did I tell you," cries Jefferson, "—what did I tell you of Marshall?" Then he rushes on to the utterances of the violent Luther Martin. "Shall you not move," he demands, "to commit Martin as *particeps criminis* with Colonel Burr? There should be evidence to fix upon him misprision of treason at least. At any rate, such a step would put down our impudent Federal bulldog, and show that the most clamorous defenders of Colonel Burr are one and all his accomplices."

Meanwhile, the "impudent Federal bulldog" attends a Fourth of July dinner in Baltimore. Every man at table save himself is an adherent of Jefferson. Eager to demonstrate that loyal fact to the Administration, sundry of the guests make speeches full of uncompliment for Martin, and propose a toast:

"Aaron Burr! May his treachery to his country exalt him to the scaffold!"

More speeches replete of venom are aimed at Martin; whereupon that undaunted drunkard gets upon his feet.

"Who is this Aaron Burr," he roars, "whose guilt you have pronounced, and for whose blood your parched throats so thirst! Was he not, a few years back, adored by you next to your God? Were you not then his warmest admirers? Did he not then possess every virtue? He was then in power. He had influence. You were proud of his notice. His merest smile brightened all your faces. His merest frown lengthened all your visages. Go, ye holiday, ye sunshine friends!—ye time-servers, ye criers of hosanna to-day and crucifiers to-morrow!—go; hide your heads from the contempt and detestation of every honorable, every right-minded man!"

August: The day of trial arrives. Wirt, with the dull, deferent Hay, has gone over the testimony against Aaron, and arranged the procession of its introduction. He will begin far back. By the mouth of the red-nosed Wilkinson—somewhat in hiding from Swartwout—and by others, he will relate, from the beginning, Aaron's dream of Mexican con-

quest. He will show how the vision grew and expanded until it reacted upon the United States, and the downfall of Washington became as much parcel of Aaron's design as was the capture of Mexico. He would trace Aaron, step by step, through his many conferences in Washington, in Marietta, in Nashville, in Cincinnati; and then on to New Orleans, where he is closeted with Merchant Clark and the Bishop of Louisiana.

And so the parties go into court. The jury being sworn, Marshall, Chief Justice, at once overthrows those well-laid plans of Wirt.

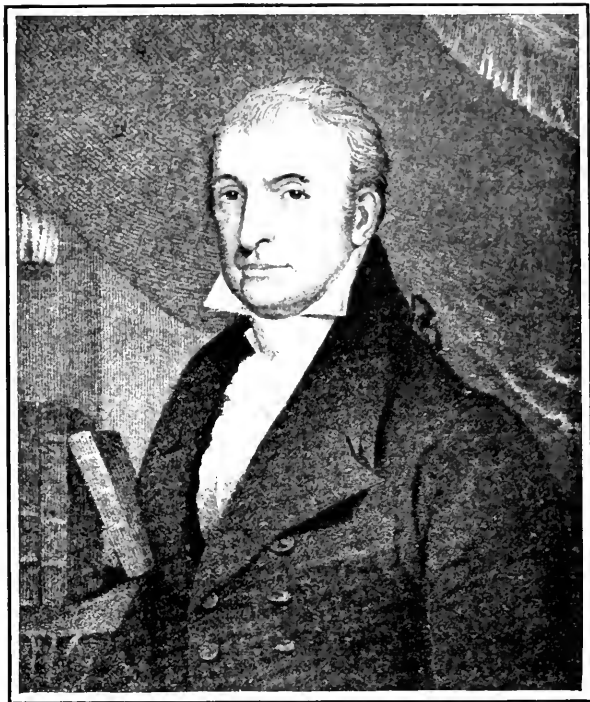
"You must go to the act, sir," says Marshall, Chief Justice. "Treason, like murder, is an act. You can't think treason, you can't plot treason, you can't talk treason; you can only act it. In murder you must first prove the killing—the murderous act, before you may offer evidence of an intent. And so in treason. You must begin by proving the overt act of war against the country, before I can permit evidence of an intent which led up to it."

This ruling throws Wirt abroad in his calculations. The "Federal bulldog" Martin grows vulgarly gleeful, Wirt correspondingly blue.

Being prodded by Marshall, Chief Justice, Wirt declares that the "act of war" was the assembling of forty armed men, under one Taylor, at Blennerhasset Island. They stopped at the island but a moment, and Aaron himself was in Lexington. None the less there were forty of them; they were armed; they were there by design and plan of Aaron, with an ultimate purpose of levying war against this Government. Wirt urges that constructive war was at that very island moment waged; Aaron, while personally absent, being constructively present and constructively waging such war.

At this setting forth, Marshall, Chief Justice, purses his lips, as might one who thinks the argument far-fetched and over-finely spun. Martin, the "Federal bulldog," does not scruple to laugh outright.

"Was ever heard such hash!" cries Martin. "Men may bear arms without waging war!"



LUTHER MARTIN, THE "FEDERAL BULLDOG," COUNSEL FOR BURR

Forty men no more mean war than four! Men may float down the Ohio, and still no war be waged. Because the hypochondriac Jefferson imagined war, we are to receive the thing as *res adjudicata*, and now give way while a pleasantly concocted tale of that carnage of a presidential nightmare is retailed from the witness box. Sirs, you are not to fiddle folk onto a scaffold to any such tune as that, though a president furnish the music."

Marshall, Chief Justice, still with pursed lips and knotted forehead, directs Wirt to proceed with his evidence of what at Blennerhasset Island he relies upon to constitute, constructively or otherwise, a state of war. Having heard the evidence, he will pass upon the points of law presented.

Wirt, desperate because he may do no better, puts forward one Eaton as a witness. The latter tells a long, involved story, which sounds vastly like fiction and not at all like fact, of conversations with Aaron. Aaron brings out in cross-examination, that within ten days after he, Eaton, goes with this tale to Jefferson, a claim for ten thousand dollars which he has been pressing without success against the Government was paid. Aaron suggests that Eaton, to induce payment of

such claim, invented his narrative, and the suggestion is plainly acceptable to the jury.

Following Eaton, Wirt calls Truxton; and later the suspicious Morgan, who first wrote Jefferson touching Aaron and his plans. Then follow Blennerhasset's gardener and groom, and one Woodbridge, Blennerhasset's man of business. Wirt, by these, shows Aaron's frequent presence on the island; the boats, building at Marietta; the advent of Taylor with his forty armed men; and there the relation ends. In all the testimony, not a knife is ground, not a flint is picked, not a rifle is fired; the forty armed men do not so much as indulge in drill. For all they said or did or acted, the forty might have been explorers or sightseers or settlers or any other form of peaceful what-not.

"I suppose," observes Marshall, Chief Justice, bending his black eyes warningly upon Wirt, "—I suppose it unnecessary to instruct counsel that guilt will not be presumed?"

Wirt replies stiffly that counsel, for the Government at least, require no instructions; whereat Martin, the "Federal bulldog," barks hoarsely up, that what counsel for Government most require, and are most deficient in, is a case and the evidence of it. Wirt pays no heed to the jeer, but announces that under the ruling of the court, made before evidence was introduced, he has nothing more to offer touching acts of overt war. He rests his case, he says, on that point; and, thereupon, the defence takes issue with him. The Government, Aaron declares, has failed to make out even the shadow of a treason. There is nothing which demands reply; he will call no witnesses.

Marshall, Chief Justice, directs that the arguments to the jury be proceeded with. Wirt is heard. Being imaginative, and having no facts, he unchains his fancy, and paints a paradise whereof Aaron is the serpent, and Blennerhasset and his moon-visaged spouse are Adam and Eve. It is a beautiful picture, and might be effective did it carry any grain of truth. However, it is well received by the jury as a romance full of entertaining glow and glitter; and then put aside from consideration. While Wirt the fanciful is thus coloring his invented paradise, with Aaron as the evil one and the Blenner-

hassets the betrayed Adam and Eve, the "betrayed" Blennerhasset, sitting by Aaron's side, is reading the "serpent" one a letter, that day received from Madam Blennerhasset. The missive closes:

"Apprise Colonel Burr of my warmest acknowledgments for his own and Theo's kind remembrances. Tell him to assure her that she has inspired me with a warmth of attachment that never can diminish."

On the oratorical heels of Wirt come Wickham, Hay, Randolph, Botts, McRae. Lastly, Martin is heard, the "Federal bulldog" seizing occasion to bay Jefferson even more violently than before. When they are done, Marshall, Chief Justice, lays down the law as to what should constitute an "overt act of war"; and, since it is plain, even to the court crier, that no such act has been proven, the jury hurry forward a finding of:

"Not guilty!"

Jefferson, full of prejudice, hears the news. He writes wrathfully to Wirt:

"Let no witness depart without taking a copy of his evidence, which is now more important than ever. The criminal Burr is preserved, it seems, to become the rallying-point of all the disaffected and worthless of the United States, and to be the pivot on which all the conspiracies and intrigues, that foreign Governments may wish to disturb us with, are to turn. There is still, however, the misdemeanor; and, if he be convicted of that, Judge Marshall must for very decency give us some respite by a short confinement of him; but we must expect it to be very short."

There is a day's recess; then the charge of "levying war against Mexico" is called. The red-nosed Wilkinson now tells his story, and is made to admit—the painful sweat standing in great drops upon his purple visage—that he has altered in important respects several of Aaron's letters. Being by his own mouth a forger, the jury marks its estimate of the red-nosed one by again acquitting Aaron, and pronouncing a second finding of:

"Not guilty!"

Thus ends the great trial, which has rocked a continent. Aaron is free; his friends crowd about him jubilantly, while the loving, lustrous Theo weeps upon his shoulder.

(To be continued.)

This is a sensational magazine
article of the pot-boiler type,
not a serious historical study.
Much that is put within quota-
tion marks is purely imaginary.



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